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Attorneys for Plaintiff

## Tech-4-Kids, Inc.

**UNITED STATES DISTRICT COURT**

## CENTRAL DISTRICT OF CALIFORNIA

## WESTERN DIVISION

TECH-4-KIDS, INC.,

CASE NO. 2:12-CV-06769-PA-AJW

**Plaintiff,**

vs.

## SPORT DIMENSION, INC..

**Defendant**

**DISCOVERY MATTER:  
DECLARATION OF ROBERT S.  
FREUND IN SUPPORT OF  
PLAINTIFF TECH-4-KIDS, INC.'S  
MOTION TO COMPEL  
PRODUCTION OF DOCUMENTS  
BY DEFENDANT SPORT  
DIMENSION, INC.**

## SPORT DIMENSION, INC.

#### **Counterclaimant.**

vs.

TECH-4-KIDS INC

#### **Counterdefendant.**

**Judge: Honorable Percy Anderson  
Magistrate Judge: Honorable Andrew  
J. Wistrich**

## **DECLARATION OF ROBERT S. FREUND**

I, Robert S. Freund, declare under penalty of perjury under the laws of the United States and the State of California as follows:

4       1. I am an attorney at the law firm of Greenberg Traurig, LLP, counsel of  
5 record for Plaintiff and Counterdefendant Tech-4-Kids, Inc. (“Tech-4-Kids” or  
6 “Plaintiff”) in the above-entitled action. I am licensed to practice law in the State of  
7 California. I submit this Declaration in support of Tech-4-Kids’ Motion to Compel  
8 Production of Documents by Defendant Sport Dimension, Inc. (“Motion”). I have first-  
9 hand knowledge of the matters set forth herein and, if called upon to do so, I could and  
10 would testify competently and truthfully thereto.

11       2. Pursuant to Central District of California Local Rules 7-3 and 37-1, I, along  
12 with my colleague, attorney Michael S. Lawrence, have participated in several meet and  
13 confer discussions with Sarah Brooks, of the Stradling firm, counsel for Defendant Sport  
14 Dimension. After a number of correspondences and meet and confer conferences, we  
15 have been unable to resolve the issues discussed in this Motion.

16       3. Attached as **Exhibit A** is a true and correct copy of the document Bates  
17 numbered SDI 007466-007472. The document has been designated “Highly Confidential  
18 – Attorneys’ Eyes Only.”

19       4. Attached as **Exhibit B** is a true and correct copy of the document Bates  
20 numbered SDI 014984-014990. The document has been designated “Confidential.”

21       5. Attached as **Exhibit C** is a true and correct copy of the document Bates  
22 numbered SDI 015288-015293. The document has been designated “Confidential.”

23       6. Attached as **Exhibit D** is a true and correct copy of Sport Dimension's  
24 responses to Tech-4-Kids' first set of requests for production.

25       7. Attached as **Exhibit E** is a true and correct copy of Sport Dimension's  
26 responses to Tech-4-Kids' second set of requests for production.

27       8. Attached as **Exhibit F** is a true and correct copy of Sport Dimension's  
28 responses to Tech-4-Kids' third set of requests for production.

9. Attached as **Exhibit G** is a true and correct copy of relevant excerpts of the transcript of the March 26, 2013 deposition of Joseph Lin. The deposition transcript has been designated “Highly Confidential – Attorneys’ Eyes Only.”

10. Attached as **Exhibit H** is a true and correct copy of the document Bates numbered SDI 001132-001135. The document has been designated “Highly Confidential – Attorneys’ Eyes Only.”

11. Attached as **Exhibit I** is a true and correct copy of relevant excerpts of the transcript of the March 21, 2013 deposition of Kurt Rios. The deposition transcript has been designated “Highly Confidential – Attorneys’ Eyes Only.”

12. Attached as **Exhibit J** is a true and correct copy of the document Bates numbered SDI 006962-006968. The document has been designated "Highly Confidential – Attorneys' Eyes Only."

13. Attached as **Exhibit K** is a true and correct copy of what appears to be an online directory of global sports product manufacturers listing Mr. Lin as the owner of Stallion.

14. Attached as **Exhibit L** is a true and correct copy of the document Bates numbered SDI 007912-007914. The document has been designated “Confidential.”

15. Attached as **Exhibit M** is a true and correct copy of the “Customer Care” page of Sport Dimension’s website and the Stallion site to which visitors are redirected upon clicking the hyperlink “Snow Bikes Care and Warranty.”

16. Attached as **Exhibit N** is a true and correct copy of the Stallion website in which Stallion alleges ownership of the “Snowslider” trademark.

17. Attached as **Exhibit O** is a true and correct copy of printouts from the United States Patent and Trademark Office's website indicating that Sport Dimension owns the "Snowslider" trademark.

18. Attached as **Exhibit P** is a true and correct copy of Tech-4-Kids' First Set of Requests for Production.

19. Attached as **Exhibit Q** is a true and correct copy of the document Bates numbered SDI 001012-001013 in which Alex Fung of Stallion indicates to Kurt Rios his proposal to use Yamaha's trademark for Sport Dimension's snow bike product, which is modeled after Tech-4-Kids' Ski-Doo snow bike. The document has been designated "Confidential."

20. The billing rates associated with the attorneys involved in this matter are as follows:

- a. Valerie Ho: \$650.00 per hour;
  - b. Robert Freund: \$295.00 per hour.

21. In researching and preparing this Motion and the corresponding joint statement, Valerie Ho has spent three hours and Robert Freund has spent 30 hours for a total of \$10,150.

22. In preparing further briefing and for argument regarding this Motion, we estimate that Ms. Ho will spend approximately two hours, and I will spend an additional 15 hours for a total of \$5,725.

23. The aggregate of the fees above totals \$15,875.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed this 15th day of April, 2013, at Los Angeles, California.

  
Robert S. Freund

**EXHIBIT A**  
**FILED UNDER SEAL PURSUANT**  
**TO PROTECTIVE ORDER**

**EXHIBIT B**  
**FILED UNDER SEAL PURSUANT**  
**TO PROTECTIVE ORDER**

**EXHIBIT C**  
**FILED UNDER SEAL PURSUANT**  
**TO PROTECTIVE ORDER**

## **EXHIBIT D**

1 YURI MIKULKA, SBN 185926  
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6 Attorneys for Defendant and  
Counter-Claimant  
7 SPORT DIMENSION, INC.

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**

TECH-4-KIDS, INC.

CASE NO. 2:12-cv-06769-PA-AJW

Plaintiff,

Honorable Percy Anderson

vs.

SPORT DIMENSION, INC.,

**SPORT DIMENSION'S RESPONSES  
TO TECH-4-KIDS, INC'S FIRST SET  
OF REQUESTS FOR PRODUCTION  
OF DOCUMENTS**

Defendant.

First Amended Complaint Filed:  
August 17, 2012

SPORT DIMENSION, INC.,

Counter-Claimant,

vs.

TECH-4-KIDS, Inc.,

Counter-Defendant.

1 PROUPOUNDING PARTY: Plaintiff Tech-4-Kids, Inc.

2 RESPONDING PARTY: Sport Dimension, Inc.

3 SET NO: One

4 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant  
5 Sport Dimension, Inc., through its counsel, hereby responds and objects to  
6 Plaintiff's Tech-4-Kids, Inc.'s First Set of Requests For The Production Of  
7 Documents And Things (Nos. 1-46) To Sport Dimension, Inc. ("Requests"), as  
8 follows:

9 **PRELIMINARY STATEMENT**

10 Defendant and his attorney's investigation and analysis are continuing and  
11 not complete, and their discovery is at an early stage. Defendant reserves the right,  
12 without limitation, to amend, modify, or supplement, these Responses, to set forth  
13 any additional information that is relevant to these Responses which Defendant  
14 and/or its attorneys subsequently learn or discover, to set forth any additional  
15 information which Defendant and/or his attorneys subsequently conclude are  
16 relevant to these Responses and/or to use and introduce and such information at  
17 any hearings or trial of this action whether or not these Responses are so  
18 supplemented.

19 By service of the Responses, Defendant does not waive or re-start the time  
20 period for filing of any motion to compel.

21 **GENERAL OBJECTIONS**

22 1. Defendant hereby asserts the following General Objections (the  
23 "General Objections") to the Requests, each of which is hereby incorporated by  
24 reference into the response to each individual document request below. From time  
25 to time, and for purpose of emphasis, Defendant may restate one or more of the  
26 General Objections as specific objections to individual document requests. Such  
27 restatement, or the failure to restate, should not be taken as a waiver of any General  
28 Objection not restated.

1           2. Defendant objects and responds to the Requests on the basis of facts  
 2 and circumstances as they are presently known to Defendant. Defendant has not  
 3 completed its discovery and preparation for trial. Accordingly, all of the following  
 4 objections and responses are provided without prejudice to Defendant's right to  
 5 introduce at trial any evidence it subsequently discovers. Defendant reserves the  
 6 right to supplement his objections and responses to the Requests based upon  
 7 newly-discovered evidence or information of which Defendant is not aware as of  
 8 the present date.

9           3. Defendant objects to the Requests insofar as they seek information or  
 10 documents that are privileged and/or protected from disclosure by the attorney-  
 11 client privilege, the work-product doctrine, the privacy privilege, the joint-defense  
 12 privilege or any other privilege or immunity, and refuses to produce any such  
 13 document(s). Defendant does not intend by these responses or objections to waive  
 14 any claim of privilege or immunity. Defendant's objections and responses are  
 15 conditioned specifically on the understanding that the provision of information or  
 16 documents for which any claim of privilege is applicable shall be deemed  
 17 inadvertent and not a waiver of the claim of privilege.

18           4. Defendant objects to the Requests to the extent that they call for the  
 19 production of documents that are protected by the privacy rights of itself or any  
 20 other person or entity as provided by the California and United States Constitutions  
 21 and/or any other statute or legal authority.

22           5. Defendant objects to the Requests to the extent that they call for the  
 23 production of trade secrets, confidential information and proprietary information  
 24 regarding Defendant's business and/or business operations.

25           6. Inadvertent production of any document that is privileged, or which is  
 26 otherwise immune from discovery, shall not constitute, and is in no way intended  
 27 as, a waiver of any privilege or any other ground for objecting to such discovery

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1 with respect to such document or any other document, the subject matter thereof,  
2 the information contained therein, during any subsequent proceeding.

3       7. Defendant reserves the right to produce only the responsive portions  
4 of documents where such document also contain information that is not relevant to  
5 the subject matter of this action, is not reasonably calculated to lead to the  
6 discovery of admissible evidence, is privileged or is otherwise protected from  
7 disclosure.

8       8. Defendant objects to producing multiple copies of the same document,  
9 and the same document in multiple formats (e.g. hard copy and electronic copy).  
10 Where multiple copies of multiple formats exist, Defendant will produce only one  
11 copy or format of the same document.

12       9. It should not be inferred from the form or substance of any objection  
13 or response herein that documents responsive to any particular request exist.

14       10. Defendant objects to the definitions and instructions contained in the  
15 Requests to the extent that they impose obligations on Defendant beyond those  
16 permitted by the Rules of Civil Procedure and applicable case law. Defendant will  
17 interpret each request and respond pursuant to, and in light of, the requirements of  
18 the Rules of Civil Procedure and case law.

19       11. Defendant objects to the Requests to the extent they seek documents  
20 concerning information from time periods not relevant to this action. Without  
21 further limitation as to time, the Requests are overbroad, unduly burdensome, seek  
22 irrelevant information, and are not reasonably calculated to lead to the discovery of  
23 admissible evidence.

24       12. Defendant objects to the Requests on the grounds that Plaintiff has  
25 failed to "identify the trade secret with reasonable particularity prior to  
26 commencing discovery," as required under California Code of Civil Procedure  
27 2019.210.

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1           13. Defendant objects to producing documents that are in the possession,  
2 custody or control of Plaintiff or equally available to Plaintiff, including  
3 correspondence exchanged between Defendant and Plaintiff, or either of them, and  
4 documents exchanged or filed in connection with this litigation.

5           **RESPONSES TO REQUEST FOR PRODUCTION**

6           **REQUEST NO. 1:**

7           Produce two samples of each of Your snow bike products, including the FX  
8 Nytro.

9           **RESPONSE TO REQUEST NO. 1:**

10          Defendant refers to and incorporates by reference all of the General  
11 Objections stated above as though set forth in full herein. Defendant objects to this  
12 request on the grounds that it is overbroad and unduly burdensome to the extent  
13 that it asks for two samples of each of Defendant's snow bike products. Subject to  
14 and without waiving the foregoing objections, Defendant responds that it will  
15 make one sample of each of its snow bike products available for inspection at  
16 offices of Defendant's counsel at a mutually convenient date.

17          **REQUEST NO. 2:**

18          Produce all Documents and Things related to Your responses to Plaintiff's  
19 First Set of Interrogatories.

20          **RESPONSE TO REQUEST NO. 2:**

21          Defendant refers to and incorporates by reference all of the General  
22 Objections stated above as though set forth in full herein. Defendant objects to this  
23 request to the extent that it seeks documents that are subject to the attorney-client  
24 and/or work product privilege. Subject to and without waiving the foregoing  
25 objections, Defendant responds that it will produce non-privileged items  
26 responsive to this request to the extent they exist and/or are within Defendant's  
27 possession, custody, or control, once the Court enters a mutually agreed-upon  
28 protective order.

1           **REQUEST NO. 3:**

2           Produce all Documents and Things that You relied on or referred to in  
3 preparing Your responses to Plaintiff's First Set of Interrogatories.

4           **RESPONSE TO REQUEST NO. 3:**

5           Defendant refers to and incorporates by reference all of the General  
6 Objections stated above as though set forth in full herein. Defendant objects to this  
7 request to the extent that it seeks documents that are subject to the attorney-client  
8 and/or work product privilege. Subject to and without waiving the foregoing  
9 objections, Defendant responds that it will produce non-privileged items  
10 responsive to this request to the extent they exist and/or are within Defendant's  
11 possession, custody, of control, once the Court enters a mutually agreed-upon  
12 protective order.

13           **REQUEST NO. 4:**

14           Produce Documents and Things sufficient to identify each Person (other  
15 than outside counsel) who participated, assisted, or was otherwise involved in  
16 preparing Your responses to Plaintiffs First Set of Interrogatories.

17           **RESPONSE TO REQUEST NO. 4:**

18           Defendant refers to and incorporates by reference all of the General  
19 Objections stated above as though set forth in full herein. Defendant objects to this  
20 request on the grounds Defendant objects to this request to the extent that it seeks  
21 documents that are subject to the attorney-client and/or work product privilege.  
22 Subject to and without waiving the foregoing objections, Defendant responds that  
23 it will produce non-privileged items responsive to this request to the extent they  
24 exist and/or are within Defendant's possession, custody, of control, once the Court  
25 enters a mutually agreed-upon protective order.

26           **REQUEST NO. 5:**

27           Produce all Documents and Things concerning any of Your snow bike  
28 products, including without limitation Communications, meeting minutes,

1 presentations, proposals, price quotes, notes, reports, drawings, photographs, video  
2 recordings, brochures, pamphlets, manuals, models (functional or non-functional),  
3 and prototypes.

4 **RESPONSE TO REQUEST NO. 5:**

5 Defendant refers to and incorporates by reference all of the General  
6 Objections stated above as though set forth in full herein. Defendant objects to this  
7 request on the grounds that it is overly broad and unduly burdensome at least to the  
8 extent that it is not limited in time or scope. Subject to and without waiving the  
9 foregoing objections, Defendant responds that it will produce non-privileged items  
10 responsive to this request from 2009 until present day to the extent they exist  
11 and/or are in its possession, custody or control, once the Court enters a mutually  
12 agreed-upon protective order.

13 **REQUEST NO. 6:**

14 Produce all Documents and Things sufficient to identify each Person who  
15 participated, assisted, or was otherwise involved in the conception, design,  
16 development, and/or manufacturing of any snow bike that You have sold, offered  
17 for sell, marketed, promoted, imported, exported, or distributed since 2008.

18 **RESPONSE TO REQUEST NO. 6:**

19 Defendant refers to and incorporates by reference all of the General  
20 Objections stated above as though set forth in full herein. Defendant objects to this  
21 request on the grounds that it is overly broad, unduly burdensome, and lacks  
22 relevance as to products that are not at issue in the case, and moreover is  
23 burdensome as to items not within Defendants custody or control. Subject to and  
24 without waiving the foregoing objections, Defendants will produce non-privileged  
25 items responsive to this request from 2009 until present day to the extent they exist  
26 and/or are in its possession, custody or control, once the Court enters a mutually  
27 agreed-upon protective order.

1     **REQUEST NO. 7:**

2              Produce all Documents and Things concerning the conception, design,  
3 development, and/or manufacturing of any snow bike that You have sold, offered  
4 for sell, marketed, promoted, imported, exported, or distributed since 2008,  
5 including without limitation Communications, drawings, specifications,  
6 schematics, meeting minutes, presentations, notes, reports, research, testing data,  
7 photographs, video recordings, brochures, pamphlets, manuals, models (functional  
8 or non-functional), and prototypes.

9     **RESPONSE TO REQUEST NO. 7:**

10              Defendant refers to and incorporates by reference all of the General  
11 Objections stated above as though set forth in full herein. Defendant objects to this  
12 request on the grounds that it is overly broad, unduly burdensome, and lacks  
13 relevance as to products that are not at issue in the case, and moreover is  
14 burdensome as to items not within Defendants custody or control. Subject to and  
15 without waiving the foregoing objections, Defendants will produce non-privileged  
16 items responsive to this request from 2009 until present day to the extent they exist  
17 and/or are in its possession, custody or control, once the Court enters a mutually  
18 agreed-upon protective order.

19     **REQUEST NO. 8:**

20              Produce all Documents and Things concerning Your decision to develop a  
21 snow bike product or to enter the snow bike market.

22     **RESPONSE TO REQUEST NO. 8:**

23              Defendant refers to and incorporates by reference all of the General  
24 Objections stated above as though set forth in full herein. Defendant objects to this  
25 request on the grounds Defendant objects to this request on the grounds that it is  
26 overly broad, and unduly burdensome, and lacks relevance as to products that are  
27 not at issue in the case, and moreover is burdensome at least to the extent that the  
28 requested documents not within Defendant's possession, custody or control.

1 Subject to and without waiving the foregoing objections, Defendant will produce  
2 non-privileged items responsive to this request from 2009 until present day to the  
3 extent they exist and/or are in its possession, custody or control, once the Court  
4 enters a mutually agreed-upon protective order.

5 **REQUEST NO. 9:**

6 Produce all Documents and Things concerning any agreement relating to  
7 any of Your snow bike products, including without limitation contracts,  
8 agreements, licenses, memorandum, letters of intent, and all drafts thereof.

9 **RESPONSE TO REQUEST NO. 9:**

10 Defendant refers to and incorporates by reference all of the General  
11 Objections stated above as though set forth in full herein. Defendant objects to this  
12 request on the grounds that it is overly broad, unduly burdensome, and lacks  
13 relevance as to products that are not at issue in the case, asks for "any agreement"  
14 and to the extent that it is not limited in time or scope, and also to the extent that  
15 the requested documents not within Defendant's possession, custody or control.  
16 Defendant also objects to this request to the extent that it seeks documents that are  
17 subject to the attorney-client and/or work product privilege. Subject to and without  
18 waiving the foregoing objections, Defendants will produce non-privileged items  
19 responsive to this request from 2009 until present day to the extent they exist  
20 and/or are in its possession, custody or control, once the Court enters a mutually  
21 agreed-upon protective order.

22 **REQUEST NO. 10:**

23 Produce all Documents and Things concerning Plaintiff, including without  
24 limitation Communications, meeting minutes, presentations, proposals, price  
25 quotes, notes, reports, drawings, photographs, video recordings, brochures,  
26 pamphlets, manuals, models (functional or non-functional), and prototypes.

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1           **RESPONSE TO REQUEST NO. 10:**

2           Defendant refers to and incorporates by reference all of the General  
3 Objections stated above as though set forth in full herein. Defendant objects to this  
4 request to the extent that it seeks documents that are subject to the attorney-client  
5 and/or work product privilege. Defendant also objects to this request on the  
6 grounds that the requested documents are equally accessible to Plaintiff. Finally,  
7 Defendant objects to this request on the grounds that it is overbroad and unduly  
8 burdensome at least to the extent that it is not limited in scope to the subject matter  
9 of the present lawsuit, *i.e.* the snow bike. Subject to and without waiving the  
10 foregoing objections, Defendants will produce non-privileged items responsive to  
11 this request from 2009 until present day to the extent they exist and/or are in its  
12 possession, custody or control relating to Plaintiff's snow bike, once the Court  
13 enters a mutually agreed-upon protective order.

14           **REQUEST NO. 11:**

15           Produce all Documents and Things concerning Costco, including without  
16 limitation Communications, meeting minutes, presentations, proposals, price  
17 quotes, notes, reports, drawings, photographs, video recordings, brochures,  
18 pamphlets, manuals, models (functional or non-functional), and prototypes.

19           **RESPONSE TO REQUEST NO. 11:**

20           Defendant refers to and incorporates by reference all of the General  
21 Objections stated above as though set forth in full herein. Defendant objects to this  
22 request on the grounds that it is overbroad and unduly burdensome at least to the  
23 extent that it is not limited in time and scope. Subject to and without waiving the  
24 foregoing objections, Defendant responds that it will produce responsive items  
25 once Plaintiff narrows the request.

26           **REQUEST NO. 12:**

27           Produce all Documents and Things concerning any of Plaintiff's snow bikes,  
28 including those depicted in Exhibit A of the Complaint.

1     **RESPONSE TO REQUEST NO. 12:**

2              Defendant refers to and incorporates by reference all of the General  
3 Objections stated above as though set forth in full herein. Defendant objects to this  
4 request on the grounds that the requested documents are equally accessible to  
5 Plaintiff. Defendant also objects to this request on the grounds that it is overly  
6 broad, unduly burdensome, and lacks relevance as to products that are not at issue  
7 in the case, it is not limited in time or scope, and also to the extent that the  
8 requested documents not within Defendant's possession, custody or control.  
9 Subject to and without waiving the foregoing objections, Defendants will produce  
10 non-privileged items responsive to this request from 2009 until present day to the  
11 extent they exist and/or are in its possession, custody or control relating to  
12 Plaintiff's snow bike product, once the Court enters a mutually agreed-upon  
13 protective order.

14     **REQUEST NO. 13:**

15              Produce all Documents and Things concerning any information You  
16 received or obtained, directly or indirectly, from Plaintiff.

17     **RESPONSE TO REQUEST NO. 13:**

18              Defendant refers to and incorporates by reference all of the General  
19 Objections stated above as though set forth in full herein. Defendant objects to this  
20 request on the grounds that the requested documents are equally accessible to  
21 Plaintiff. Defendant also objects to this request on the grounds that it is overbroad  
22 and unduly burdensome at least to the extent that it is unlimited in time and scope.  
23 Subject to and without waiving the foregoing objections, Defendants will produce  
24 non-privileged items responsive to this request from 2009 until present day to the  
25 extent they exist and/or are in its possession, custody or control relating to  
26 Plaintiff's snow bike product, once the Court enters a mutually agreed-upon  
27 protective order.

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1     **REQUEST NO. 14:**

2              Produce all Documents Concerning each and every snow bike product  
3              known to You or of which You were aware before 2010.

4     **RESPONSE TO REQUEST NO. 14:**

5              Defendant refers to and incorporates by reference all of the General  
6              Objections stated above as though set forth in full herein. Defendant objects to this  
7              request on the grounds that it is overbroad and unduly burdensome at least to the  
8              extent that it asks for “all documents” relating to snow bikes including bikes that  
9              are not the subject of the present litigation. Subject to and without waiving the  
10             foregoing objections, Defendant responds that it will produce non-privileged items  
11             responsive to this request to the extent they exist and/or are in its possession,  
12             custody or control sufficient to show the snow bikes of which it was aware before  
13             2010, once the Court enters a mutually agreed-upon protective order.

14     **REQUEST NO. 15:**

15              Produce all Documents and Things concerning any analysis of any of  
16              Plaintiffs snow bikes products, including any comparisons of Plaintiff’s snow bikes  
17              and Your snow bikes.

18     **RESPONSE TO REQUEST NO. 15:**

19              Defendant refers to and incorporates by reference all of the General  
20              Objections stated above as though set forth in full herein. Defendant objects to this  
21              request to the extent that it seeks documents that are subject to the attorney-client  
22              and/or work product privilege. Defendant objects to this request on the grounds  
23              that it is overbroad and unduly burdensome at least to the extent that it is unlimited  
24              in time and scope. Subject to and without waiving the foregoing objections,  
25              Defendant responds that it will produce non-privileged items responsive to this  
26              request to the extent they exist and/or are in its possession, custody or control from  
27              2009 until present day, once the Court enters a mutually agreed-upon protective  
28              order.

1     **REQUEST NO. 16:**

2              Produce all Communications with designers or manufacturers regarding the  
3 development and manufacture of Your snow bike products.

4     **RESPONSE TO REQUEST NO. 16:**

5              Defendant refers to and incorporates by reference all of the General  
6 Objections stated above as though set forth in full herein. Defendant objects to this  
7 request on the grounds that it is overbroad and unduly burdensome at least to the  
8 extent that it is unlimited in time and scope. Subject to and without waiving the  
9 foregoing objections, Defendant responds that it will produce non-privileged items  
10 responsive to this request to the extent they exist and/or are in its possession,  
11 custody or control from 2009 until present day, once the Court enters a mutually  
12 agreed-upon protective order.

13     **REQUEST NO. 17:**

14              Produce all Documents and Things Concerning Your decision to sell or  
15 distribute snow bike products to Costco.

16     **RESPONSE TO REQUEST NO. 17:**

17              Defendant refers to and incorporates by reference all of the General  
18 Objections stated above as though set forth in full herein. Defendant objects to this  
19 request on the grounds that it is overbroad and unduly burdensome at least to the  
20 extent that it is unlimited in time and scope. Subject to and without waiving the  
21 foregoing objections, Defendant responds that it will produce non-privileged items  
22 responsive to this request to the extent they exist and/or are in its possession,  
23 custody or control from 2009 until present day, once the Court enters a mutually  
24 agreed-upon protective order.

25     **REQUEST NO. 18:**

26              Produce all Documents and Things concerning the advertising and  
27 promotion of Your snow bike products.

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1     **RESPONSE TO REQUEST NO. 18:**

2              Defendant refers to and incorporates by reference all of the General  
3 Objections stated above as though set forth in full herein. . Defendant objects to  
4 this request on the grounds that it is overbroad and unduly burdensome at least to  
5 the extent that it is unlimited in time and scope and to the extent that it asks for "all  
6 documents." Subject to and without waiving the foregoing objections, Defendant  
7 responds that it will produce non-privileged items responsive to this request to the  
8 extent they exist and/or are in its possession, custody or control from 2009 until  
9 present day, once the Court enters a mutually agreed-upon protective order.

10     **REQUEST NO. 19:**

11              Produce all Documents and Things concerning the market for snow bike  
12 products, including the companies that offer snow bike products and their  
13 respective market share.

14     **RESPONSE TO REQUEST NO. 19:**

15              Defendant refers to and incorporates by reference all of the General  
16 Objections stated above as though set forth in full herein. Defendant objects to this  
17 request on the grounds that the requested documents are equally accessible to  
18 Plaintiff. Defendant also objects to this request on the grounds that it is overbroad  
19 and unduly burdensome at least to the extent that it is unlimited in time and scope.  
20 Subject to and without waiving the foregoing objections, Defendant responds that  
21 it will produce non-privileged items responsive to this request to the extent they  
22 exist and/or are in its possession, custody or control from 2009 until present day,  
23 once the Court enters a mutually agreed-upon protective order.

24     **REQUEST NO. 20:**

25              Produce all Documents and Things concerning the sales, revenues, and  
26 profits generated by each of Your snow bike products from 2008 to the present.

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1           **RESPONSE TO REQUEST NO. 20:**

2           Defendant refers to and incorporates by reference all of the General  
3 Objections stated above as though set forth in full herein. Defendant objects to this  
4 request on the grounds that it is overbroad and unduly burdensome at least to the  
5 extent that it asks for "all documents." Subject to and without waiving the  
6 foregoing objections, Defendant responds that it will produce non-privileged items  
7 responsive to this request to the extent they exist and/or are in possession,  
8 custody or control sufficient to show sales, revenues and profits of its snow bikes  
9 from 2009 until present day, once the Court enters a mutually agreed-upon  
10 protective order.

11           **REQUEST NO. 21:**

12           Produce all Documents and Things concerning the costs associated with the  
13 development, manufacture, advertising and/or sale of Your snow bike products.

14           **RESPONSE TO REQUEST NO. 21:**

15           Defendant refers to and incorporates by reference all of the General  
16 Objections stated above as though set forth in full herein. Defendant objects to this  
17 request on the grounds that it is overbroad and unduly burdensome at least to the  
18 extent that it is unlimited in time and asks for "all documents." Subject to and  
19 without waiving the foregoing objections, Defendant responds that it will produce  
20 non-privileged items responsive to this request to the extent they exist and/or are in  
21 possession, custody or control sufficient to show costs associated with its  
22 snow bikes from 2009 until present day, once the Court enters a mutually agreed-  
23 upon protective order.

24           **REQUEST NO. 22:**

25           Produce all Documents and Things concerning any Communication,  
26 contracts, agreements, and negotiations between/among You and any Person(s)  
27 concerning any of Your snow bike products.

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1     **RESPONSE TO REQUEST NO. 22:**

2              Defendant refers to and incorporates by reference all of the General  
3 Objections stated above as though set forth in full herein. Defendant objects to this  
4 request to the extent that it seeks documents that are subject to the attorney-client  
5 and/or work product privilege. Defendant also objects to this request on the  
6 grounds that it is overbroad and unduly burdensome at least to the extent that it is  
7 unlimited in time and scope. Subject to and without waiving the foregoing  
8 objections, Defendant responds that it will produce non-privileged items  
9 responsive to this request to the extent they exist and/or are in its possession,  
10 custody or control from 2009 until present day, once the Court enters a mutually  
11 agreed-upon protective order.

12     **REQUEST NO. 23:**

13              Produce all Documents and Things concerning any Communication,  
14 contracts, agreements, and negotiations between/among You and any Person(s)  
15 concerning any of Plaintiff's snow bike products.

16     **RESPONSE TO REQUEST NO. 23:**

17              Defendant refers to and incorporates by reference all of the General  
18 Objections stated above as though set forth in full herein. Defendant objects to this  
19 request on the grounds that the requested documents are equally accessible to  
20 Plaintiff. Defendant also objects to this request to the extent that it seeks  
21 documents that are subject to the attorney-client and/or work product privilege.  
22 Finally, Defendant objects to this request on the grounds that it is overbroad and  
23 unduly burdensome at least to the extent that it is unlimited in time and scope.  
24 Subject to and without waiving the foregoing objections, Defendant responds that  
25 it will produce non-privileged items responsive to this request to the extent they  
26 exist and/or are in its possession, custody or control from 2009 until present day,  
27 once the Court enters a mutually agreed-upon protective order.

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1     **REQUEST NO. 24:**

2              Produce all Documents and Things concerning any and all efforts made by  
3 You to market, sell or distribute Plaintiff's snow bike products in the United States.

4     **RESPONSE TO REQUEST NO. 24:**

5              Defendant refers to and incorporates by reference all of the General  
6 Objections stated above as though set forth in full herein. Defendant objects to this  
7 request on the grounds that the requested documents are equally accessible to  
8 Plaintiff. Defendant also objects to this request on the grounds that it is overbroad  
9 and unduly burdensome at least to the extent that it is unlimited in time and scope.  
10 Subject to and without waiving the foregoing objections, Defendant responds that  
11 it will produce non-privileged items responsive to this request to the extent they  
12 exist and/or are in its possession, custody or control from 2009 until present day,  
13 once the Court enters a mutually agreed-upon protective order.

14     **REQUEST NO. 25:**

15              Produce all Documents and Things concerning any investigation, testing,  
16 analyses, study, or research performed or conducted by You or on Your behalf  
17 Relating to any snow bike product.

18     **RESPONSE TO REQUEST NO. 25:**

19              Defendant refers to and incorporates by reference all of the General  
20 Objections stated above as though set forth in full herein. Defendant objects to this  
21 request to the extent that it seeks documents that are subject to the attorney-client  
22 and/or work product privilege. Defendant also objects to this request on the  
23 grounds that it is overbroad and unduly burdensome at least to the extent that it is  
24 unlimited in time and scope. Subject to and without waiving the foregoing  
25 objections, Defendant responds that it will produce non-privileged items  
26 responsive to this request to the extent they exist and/or are in its possession,  
27 custody or control from 2009 until present day, once the Court enters a mutually  
28 agreed-upon protective order.

1       **REQUEST NO. 26:**

2              Produce all Communications with brand licensors or third-party licensors,  
3 including but not limited to, Ski-Doo, Yamaha, Polaris, X Games, Arctic Cat,  
4 and/or Red Bull regarding Plaintiff or Plaintiff's products.

5       **RESPONSE TO REQUEST NO. 26:**

6              Defendant refers to and incorporates by reference all of the General  
7 Objections stated above as though set forth in full herein. Defendant objects to this  
8 request on the grounds that the requested documents are equally accessible to  
9 Plaintiff. Defendant objects to this request on the grounds that it is overbroad and  
10 unduly burdensome at least to the extent that it is unlimited in time and scope.  
11 Subject to and without waiving the foregoing objections, Defendant responds that  
12 it will produce non-privileged items responsive to this request to the extent they  
13 exist and/or are in its possession, custody or control from 2009 until present day,  
14 once the Court enters a mutually agreed-upon protective order.

15       **REQUEST NO. 27:**

16              Produce all non-privileged Documents and Things, including without  
17 limitation Communications, other than the pleadings in this lawsuit,  
18 between/among You and any other Person(s) mentioning, referring to, or otherwise  
19 Concerning this litigation.

20       **RESPONSE TO REQUEST NO. 27:**

21              Defendant refers to and incorporates by reference all of the General  
22 Objections stated above as though set forth in full herein. Defendant objects to this  
23 request on the grounds that the requested documents are equally accessible to  
24 Plaintiff. Defendant also objects to this request to the extent that it seeks  
25 documents that are subject to the attorney-client and/or work product privilege.  
26 Subject to and without waiving the foregoing objections, Defendant responds that  
27 it will produce non-privileged items responsive to this request to the extent they

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1 exist and/or are in its possession, custody or control, once the Court enters a  
2 mutually agreed-upon protective order.

3 **REQUEST NO. 28:**

4 Produce all Communications between You and Costco concerning snow  
5 bike products.

6 **RESPONSE TO REQUEST NO. 28:**

7 Defendant refers to and incorporates by reference all of the General  
8 Objections stated above as though set forth in full herein. Defendant objects to this  
9 request on the grounds that it is duplicative of request No. 11. See response to  
10 Request No. 11.

11 **REQUEST NO. 29:**

12 Produce all Communications between You and Costco concerning Plaintiff.

13 **RESPONSE TO REQUEST NO. 29:**

14 Defendant refers to and incorporates by reference all of the General  
15 Objections stated above as though set forth in full herein. Defendant objects to this  
16 request on the grounds that it is overbroad and unduly burdensome at least to the  
17 extent that it is unlimited in time and scope. Subject to and without waiving the  
18 foregoing objections, Defendant responds that it will produce non-privileged items  
19 responsive to this request to the extent they exist and/or are in its possession,  
20 custody or control from 2009 until present day, once the Court enters a mutually  
21 agreed-upon protective order.

22 **REQUEST NO. 30:**

23 Produce Documents and Things sufficient to identify Your corporate or  
24 organizational structure, including but not limited to, organizational charts, bylaws,  
25 the identifications and locations of Your officers and directors, and telephone  
26 directories.

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1           **RESPONSE TO REQUEST NO. 30:**

2           Defendant refers to and incorporates by reference all of the General  
3 Objections stated above as though set forth in full herein. Subject to and without  
4 waiving the foregoing objections, Defendant responds that it will produce non-  
5 privileged items responsive to this request to the extent they exist and/or are in its  
6 possession, custody or control, once the Court enters a mutually agreed-upon  
7 protective order.

8           **REQUEST NO. 31:**

9           Produce all Documents and Things concerning Your document retention  
10 policy.

11           **RESPONSE TO REQUEST NO. 31:**

12           Defendant refers to and incorporates by reference all of the General  
13 Objections stated above as though set forth in full herein. Defendant objects to this  
14 request on the grounds that it is overbroad and unduly burdensome at least to the  
15 extent that it asks for "all documents." Subject to and without waiving the  
16 foregoing objections, Defendant responds that it will produce non-privileged items  
17 responsive to this request to the extent they exist and/or are in its possession,  
18 custody or control sufficient to show is retention policy, once the Court enters a  
19 mutually agreed-upon protective order.

20           **REQUEST NO. 32:**

21           Produce all Documents and Things that support or relate to your Second  
22 Affirmative Defense that "Plaintiff has failed to mitigate or otherwise avoid any  
23 damages that it allegedly sustained as a result of Defendant's alleged conduct."

24           **RESPONSE TO REQUEST NO. 32:**

25           Defendant refers to and incorporates by reference all of the General  
26 Objections stated above as though set forth in full herein. Defendant objects to this  
27 request on the grounds that the requested documents are equally accessible to  
28 Plaintiff. Defendant also objects to this request to the extent that it seeks

1 documents that are subject to the attorney-client and/or work product privilege.  
2 Subject to and without waiving the foregoing objections, Defendant responds that  
3 it will produce non-privileged items responsive to this request to the extent they  
4 exist and/or are in its possession, custody or control, once the Court enters a  
5 mutually agreed-upon protective order.

6 **REQUEST NO. 33:**

7 Produce all Documents and Things that support or relate to your Third  
8 Affirmative Defense that "Plaintiff's claims are barred by the doctrine of equitable  
9 estoppel."

10 **RESPONSE TO REQUEST NO. 33:**

11 Defendant refers to and incorporates by reference all of the General  
12 Objections stated above as though set forth in full herein. Defendant objects to this  
13 request on the grounds that the requested documents are equally accessible to  
14 Plaintiff. Defendant also objects to this request to the extent that it seeks  
15 documents that are subject to the attorney-client and/or work product privilege.  
16 Subject to and without waiving the foregoing objections, Defendant responds that  
17 it will produce non-privileged items responsive to this request to the extent they  
18 exist and/or are in its possession, custody or control, once the Court enters a  
19 mutually agreed-upon protective order.

20 **REQUEST NO. 34:**

21 Produce all Documents and Things that support or relate to your Fourth  
22 Affirmative Defense that "Plaintiff's claims are barred by the doctrine of laches."

23 **RESPONSE TO REQUEST NO. 34:**

24 Defendant refers to and incorporates by reference all of the General  
25 Objections stated above as though set forth in full herein. Defendant objects to this  
26 request on the grounds that the requested documents are equally accessible to  
27 Plaintiff. Defendant also objects to this request to the extent that it seeks  
28 documents that are subject to the attorney-client and/or work product privilege.

1 Subject to and without waiving the foregoing objections, Defendant responds that  
2 it will produce non-privileged items responsive to this request to the extent they  
3 exist and/or are in its possession, custody or control, once the Court enters a  
4 mutually agreed-upon protective order.

5 **REQUEST NO. 35:**

6 Produce all Documents and Things that support or relate to your Fifth  
7 Affirmative Defense that "Plaintiff's claims are barred by the doctrine of waiver."

8 **RESPONSE TO REQUEST NO. 35:**

9 Defendant refers to and incorporates by reference all of the General  
10 Objections stated above as though set forth in full herein. Defendant objects to this  
11 request on the grounds that the requested documents are equally accessible to  
12 Plaintiff. Defendant also objects to this request to the extent that it seeks  
13 documents that are subject to the attorney-client and/or work product privilege.  
14 Subject to and without waiving the foregoing objections, Defendant responds that  
15 it will produce non-privileged items responsive to this request to the extent they  
16 exist and/or are in its possession, custody or control, once the Court enters a  
17 mutually agreed-upon protective order.

18 **REQUEST NO. 36:**

19 Produce all Documents and Things that support or relate to your Sixth  
20 Affirmative Defense that "Plaintiff's claims are barred by the doctrine of unclean  
21 hands."

22 **RESPONSE TO REQUEST NO. 36:**

23 Defendant refers to and incorporates by reference all of the General  
24 Objections stated above as though set forth in full herein. Defendant objects to this  
25 request on the grounds that the requested documents are equally accessible to  
26 Plaintiff. Defendant also objects to this request to the extent that it seeks  
27 documents that are subject to the attorney-client and/or work product privilege.  
28 Subject to and without waiving the foregoing objections, Defendant responds that

1 it will produce non-privileged items responsive to this request to the extent they  
2 exist and/or are in its possession, custody or control, once the Court enters a  
3 mutually agreed-upon protective order.

4 **REQUEST NO. 37:**

5 Produce all Documents and Things that support or relate to your Seventh  
6 Affirmative Defense that "Plaintiff's claims are barred by the doctrine of  
7 acquiescence."

8 **RESPONSE TO REQUEST NO. 37:**

9 Defendant refers to and incorporates by reference all of the General  
10 Objections stated above as though set forth in full herein. Defendant objects to this  
11 request on the grounds that the requested documents are equally accessible to  
12 Plaintiff. Defendant also objects to this request to the extent that it seeks  
13 documents that are subject to the attorney-client and/or work product privilege.  
14 Subject to and without waiving the foregoing objections, Defendant responds that  
15 it will produce non-privileged items responsive to this request to the extent they  
16 exist and/or are in its possession, custody or control, once the Court enters a  
17 mutually agreed-upon protective order.

18 **REQUEST NO. 38:**

19 Produce all Documents and Things that support or relate to your Eighth  
20 Affirmative Defense that "Plaintiff does not have protectable trade secret under  
21 California law."

22 **RESPONSE TO REQUEST NO. 38:**

23 Defendant refers to and incorporates by reference all of the General  
24 Objections stated above as though set forth in full herein. Defendant objects to this  
25 request on the grounds that the requested documents are equally accessible to  
26 Plaintiff. Defendant also objects to this request to the extent that it seeks  
27 documents that are subject to the attorney-client and/or work product privilege.  
28 Subject to and without waiving the foregoing objections, Defendant responds that

1 it will produce non-privileged items responsive to this request to the extent they  
2 exist and/or are in its possession, custody or control, once the Court enters a  
3 mutually agreed-upon protective order.

4 **REQUEST NO. 39:**

5 Produce all Documents and Things that support or relate to your Ninth  
6 Affirmative Defense that "Plaintiff is barred from asserting any claim for  
7 misappropriation of trade secrets since Plaintiff did not take reasonable precautions  
8 to protect its alleged trade secrets."

9 **RESPONSE TO REQUEST NO. 39:**

10 Defendant refers to and incorporates by reference all of the General  
11 Objections stated above as though set forth in full herein. Defendant objects to this  
12 request on the grounds that the requested documents are equally accessible to  
13 Plaintiff. Defendant also objects to this request to the extent that it seeks  
14 documents that are subject to the attorney-client and/or work product privilege.  
15 Subject to and without waiving the foregoing objections, Defendant responds that  
16 it will produce non-privileged items responsive to this request to the extent they  
17 exist and/or are in its possession, custody or control, once the Court enters a  
18 mutually agreed-upon protective order.

19 **REQUEST NO. 40:**

20 Produce all Documents and Things that support or relate to your Tenth  
21 Affirmative Defense that "Plaintiff is barred in whole or in part from prosecuting  
22 the purported causes of action set forth in the FAC by the doctrine of laches."

23 **RESPONSE TO REQUEST NO. 40:**

24 Defendant refers to and incorporates by reference all of the General  
25 Objections stated above as though set forth in full herein. Defendant objects to this  
26 request on the grounds that the requested documents are equally accessible to  
27 Plaintiff. Defendant also objects to this request to the extent that it seeks  
28 documents that are subject to the attorney-client and/or work product privilege.

1 Subject to and without waiving the foregoing objections, Defendant responds that  
2 it will produce non-privileged items responsive to this request to the extent they  
3 exist and/or are in its possession, custody or control, once the Court enters a  
4 mutually agreed-upon protective order.

5 **REQUEST NO. 41:**

6 Produce all Documents and Things that support or relate to your Eleventh  
7 Affirmative Defense that “Plaintiff is barred in whole or in part from prosecuting  
8 the purported causes of action set forth in the FAC by such statutes of limitation as  
9 may be application . . .”

10 **RESPONSE TO REQUEST NO. 41:**

11 Defendant refers to and incorporates by reference all of the General  
12 Objections stated above as though set forth in full herein. Defendant objects to this  
13 request on the grounds that the requested documents are equally accessible to  
14 Plaintiff. Defendant also objects to this request to the extent that it seeks  
15 documents that are subject to the attorney-client and/or work product privilege.  
16 Subject to and without waiving the foregoing objections, Defendant responds that  
17 it will produce non-privileged items responsive to this request to the extent they  
18 exist and/or are in its possession, custody or control, once the Court enters a  
19 mutually agreed-upon protective order.

20 **REQUEST NO. 42:**

21 Produce all Documents and Things that support or relate to your allegation  
22 at paragraph 11 of your Counterclaim that “[d]uring negotiations of the  
23 contemplated distribution deal, Counterdefendant promised to draft and deliver a  
24 memorandum of understanding for Counterclaimant’s review.”

25 **RESPONSE TO REQUEST NO. 42:**

26 Defendant refers to and incorporates by reference all of the General  
27 Objections stated above as though set forth in full herein. Defendant objects to this  
28 request on the grounds that the requested documents are equally accessible to

1 Plaintiff. Defendant also objects to this request to the extent that it seeks  
2 documents that are subject to the attorney-client and/or work product privilege.  
3 Subject to and without waiving the foregoing objections, Defendant responds that  
4 it will produce non-privileged items responsive to this request to the extent they  
5 exist and/or are in its possession, custody or control, once the Court enters a  
6 mutually agreed-upon protective order.

7 **REQUEST NO. 43:**

8 Produce all Documents and Things that support or relate to your allegation  
9 at paragraph 14 of your Counterclaim that “[a]lthough Counterclaimant made  
10 genuine efforts to advance the contemplated business relationship, ultimately those  
11 efforts were unsuccessful . . .”

12 **RESPONSE TO REQUEST NO. 43:**

13 Defendant refers to and incorporates by reference all of the General  
14 Objections stated above as though set forth in full herein. Defendant objects to this  
15 request to the extent that it seeks documents that are subject to the attorney-client  
16 and/or work product privilege. Subject to and without waiving the foregoing  
17 objections, Defendant responds that it will produce non-privileged items  
18 responsive to this request to the extent they exist and/or are in its possession,  
19 custody or control, once the Court enters a mutually agreed-upon protective order.

20 **REQUEST NO. 44:**

21 Produce all Documents and Things that support or relate to your allegation  
22 at paragraph 16 of your Counterclaim that “[i]n or about the summer of 2010,  
23 Counterclaimant made and eventually won a bid to Costco U.S. to distribute snow  
24 bikes for the 2010-2011 winter season. When making this bid, Counterclaimant did  
25 not use any alleged trade secret information from Counterdefendant.”

26 **RESPONSE TO REQUEST NO. 44:**

27 Defendant refers to and incorporates by reference all of the General  
28 Objections stated above as though set forth in full herein. Defendant objects to this

1 request to the extent that it seeks documents that are subject to the attorney-client  
2 and/or work product privilege. Subject to and without waiving the foregoing  
3 objections, Defendant responds that it will produce non-privileged items  
4 responsive to this request to the extent they exist and/or are in its possession,  
5 custody or control, once the Court enters a mutually agreed-upon protective order.

6 **REQUEST NO. 45:**

7 Produce all Documents that support or relate to your contention that  
8 “Counterclaimant denies that he ever received protectable trade secret information  
9 from Counterdefendant . . .”

10 **RESPONSE TO REQUEST NO. 45:**

11 Defendant refers to and incorporates by reference all of the General  
12 Objections stated above as though set forth in full herein. Defendant objects to this  
13 request on the grounds that Plaintiff has failed to “identify the trade secret with  
14 reasonable particularity prior to commencing discovery,” as required under CCP  
15 2019.210. Defendant also objects to this request on the grounds that the requested  
16 documents are equally accessible to Plaintiff. Defendant also objects to this  
17 request to the extent that it seeks documents that are subject to the attorney-client  
18 and/or work product privilege. Subject to and without waiving the foregoing  
19 objections, Defendant responds that it will produce non-privileged items  
20 responsive to this request to the extent they exist and/or are in its possession,  
21 custody or control, once the Court enters a mutually agreed-upon protective order.

22 **REQUEST NO. 46:**

23 Produce all Documents that support or relate to your contention that  
24 “Counterclaimant further denies that Counterdefendant was damaged by any  
25 actionable conduct by Counterclaimant.”

26 **RESPONSE TO REQUEST NO. 46:**

27 Defendant refers to and incorporates by reference all of the General  
28 Objections stated above as though set forth in full herein. Defendant objects to this

1 request on the grounds that the requested documents are equally accessible to  
2 Plaintiff. Defendant also objects to this request to the extent that it seeks  
3 documents that are subject to the attorney-client and/or work product privilege.  
4 Subject to and without waiving the foregoing objections, Defendant responds that  
5 it will produce non-privileged items responsive to this request to the extent they  
6 exist and/or are in its possession, custody or control, once the Court enters a  
7 mutually agreed-upon protective order.

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9

10 DATED: November 26, 2012

STRADLING YOCCA CARLSON &  
RAUTH

11

12

By: /s/ Sarah S. Brooks  
YURI MIKULKA  
SARAH S. BROOKS  
Attorneys for Defendant and  
Counter-Claimant SPORT  
DIMENSION, INC.

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## **CERTIFICATE OF SERVICE**

I certify that on November 26, 2012 Defendant Sport Dimension's responses to Plaintiff Tech-4-Kids' First Set of Requests for Documents and Things were served on all parties or their counsel of record by serving a true and correct copy at the addresses listed below:

5 VALERIE W. HO  
(hov@gtlaw.com)  
6 FEFFREY F. YEE  
(yeej@gtlaw.com)  
7 MICHAEL STEVEN LAWRENCE  
(lawrencem@gtlaw.com)  
8 Greenberg Traurig LLP  
1840 Century Park East, Suite 1900  
9 Los Angeles, CA 90067-2101  
10 Tel: (310) 586-7700  
Fax: (310) 586-7800

11 *Attorneys for Plaintiff and Counter-Defendant*  
12 TECH4-KIDS, Inc.

~~Sarah S Brooks~~

11/26/12  
November 26, 2012

# **EXHIBIT E**

1 YURI MIKULKA, SBN 185926  
2 (ymikulka@sycr.com)  
3 SARAH S. BROOKS, SBN 266292  
4 (sbrooks@sycr.com)  
5 STRADLING YOCOA CARLSON & RAUTH  
6 660 Newport Center Drive, Suite 1600  
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Telephone: (949) 725-4000  
Facsimile: (949) 725-4100

6 Attorneys for Defendant and  
Counter-Claimant  
7 SPORT DIMENSION, INC.

8  
9  
10  
**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**

11 TECH-4-KIDS, INC.

CASE NO. 2:12-cv-06769-PA-AJW

12 Plaintiff,

Honorable Percy Anderson

13 vs.

**SPORT DIMENSION, INC.'S  
RESPONSES TO TECH-4-KIDS,  
INC.'S SECOND SET OF REQUESTS  
FOR THE PRODUCTION OF  
DOCUMENTS AND THINGS**

14 SPORT DIMENSION, INC.,

First Amended Complaint Filed: August  
17, 2012

15 Defendant.

19  
20 SPORT DIMENSION, INC.,

21 Counter-Claimant,

22 vs.

23 TECH-4-KIDS, INC.,

24 Counter-Defendant.

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1 PROPOUNDING PARTY: Plaintiff Tech-4-Kids, Inc.

2 RESPONDING PARTY: Defendant Sport Dimension, Inc.

3 SET NO.: Two (2)

4 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant  
5 Sport Dimension, Inc. (“Defendant”), through its counsel, hereby responds and  
6 objects to Tech-4-Kids, Inc.’s (“Tech-4-Kids” or “Plaintiff”) Second Set of  
7 Requests for the Production of Documents and Things (Nos. 47-53) to Sport  
8 Dimension, Inc. (“Requests”), as follows:

9 **PRELIMINARY STATEMENT**

10 Defendant and its attorneys’ investigation and analysis are continuing and  
11 not complete, and their discovery is at an early stage. Defendant reserves the right  
12 without limitation, to amend, modify, or supplement, these responses, to set forth  
13 any additional information that is relevant to these responses which Defendant  
14 and/or its attorneys subsequently learn or discover, to set forth any additional  
15 information which Defendant and/or its attorneys subsequently conclude is  
16 relevant to these responses and/or to use and introduce such information at any  
17 hearings or trial of this action whether or not these responses are so supplemented.

18 By service of these responses, Defendant does not waive or re-start the time  
19 period for filing of any motion to compel.

20 **GENERAL OBJECTIONS**

21 1. Defendant hereby asserts the following General Objections (the  
22 “General Objections”) to the Requests, each of which is hereby incorporated by  
23 reference into the response to each individual Request below. From time to time,  
24 and for purpose of emphasis, Defendant may restate one or more of the General  
25 Objections as specific objections to individual Requests. Such restatement, or the  
26 failure to restate, should not be taken as a waiver of any General Objection not  
27 restated.

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1       2. Defendant objects and responds to the Requests on the basis of facts  
2 and circumstances as they are presently known to Defendant. Defendant has not  
3 completed its discovery and preparation for trial. Accordingly, all of the following  
4 objections and responses are provided without prejudice to Defendant's right to  
5 introduce at trial any evidence it subsequently discovers. Defendant reserves the  
6 right to supplement his objections and responses to the Requests based upon  
7 newly-discovered evidence of information of which Defendant is not aware as of  
8 the present date.

9       3. Defendant objects to the Requests insofar as they seek information or  
10 documents that are privileged and/or protected from disclosure by the attorney-  
11 client privilege, the work-product doctrine, the privacy privilege, the joint-defense  
12 privilege or any other privilege or immunity, and refuses to produce any such  
13 document(s). Defendant does not intend by these responses or objections to waive  
14 any claim or privilege or immunity. Defendant's objections and responses are  
15 conditioned specifically on the understanding that the provision of information for  
16 which any claim of privilege is applicable shall be deemed inadvertent and not a  
17 waiver of the claim of privilege.

18       4. Defendant objects to the Requests to the extent that they call for the  
19 production of documents that are protected by the privacy rights of itself or any  
20 other person or entity as provided by the California and United States Constitution  
21 and/or any other statute or legal authority.

22       5. Defendant objects to the Requests to the extent that they call for the  
23 production of trade secrets, confidential information and proprietary information  
24 regarding Defendant's business and/or business operations.

25       6. Inadvertent production of any document that is privileged, or which is  
26 otherwise immune from discovery, shall not constitute, and is in no way intended  
27 as, a waiver of any privilege or any other ground for objecting to such discovery

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1 with respect to such document or any other document, the subject matter thereof,  
2 the information contained therein, during any subsequent proceeding.

3       7. Defendant reserves the right to produce only the responsive portions  
4 of documents where such document also contain information that is not relevant to  
5 the subject matter of this action, is not reasonably calculated to lead to the  
6 discovery of admissible evidence, is privileged or is otherwise protected from  
7 disclosure.

8       8. Defendant objects to producing multiple copies of the same document,  
9 and the same document in multiple formats (*e.g.* hard copy and electronic copy).  
10 Where multiple copies of multiple formats exist, Defendant will produce only one  
11 copy or format of the same document.

12       9. It should not be inferred from the form or substance of any objection  
13 or response herein that documents responsive to any particular Request exist.

14       10. Defendant objects to the definitions and instructions contained in the  
15 Requests to the extent that they impose obligations on Defendant beyond those  
16 permitted by the Federal Rules of Civil Procedure and applicable case law.  
17 Defendant will interpret each Request and respond pursuant to, and in light of, the  
18 requirements of the Federal Rules of Civil Procedure and applicable case law.

19       11. Defendant objects to the Requests to the extent they seek information  
20 from time periods not relevant to this action. Without further limitation as to time,  
21 the Requests are overbroad, unduly burdensome, seek irrelevant information, and  
22 are not reasonably calculated to lead to the discovery of admissible evidence.

23       12. Defendant objects to the Requests on the grounds that Plaintiff has  
24 failed to identify the trade secret with reasonable particularity prior to commencing  
25 discovery, as required under California Code of Civil Procedure 2019.210.

26       13. Defendant objects to producing documents that are in the possession,  
27 custody or control of Plaintiff or equally available to Plaintiff, including  
28

1 correspondence exchanged between Defendant and Plaintiff, or either of them, and  
2 documents exchanged or filed in connection with this litigation.

3       14. The General Objections set forth above apply to, and are hereby  
4 incorporated into each specific response and/or objection set forth below.  
5 Defendant responds and/or objects to each Request subject to these General  
6 Objections, and without waiving them.

## **RESPONSES TO REQUESTS FOR PRODUCTION**

**8 | REQUEST NO. 47:**

9 Produce all Documents, including any invoices, specifications,  
10 Communications, or other product development documents related to the  
11 conception, design, or manufacture of the snow bike sample referenced in Your  
12 January 19, 2010 email marked as Bates no. SDI 001132.

**13 | RESPONSE TO REQUEST NO. 47:**

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Subject to and without waiving the foregoing objections, Defendant responds that it will produce non-privileged items responsive to this request to the extent they exist and/or are in its possession, custody or control.

19 | REQUEST NO. 48:

20 Produce all Documents related to the 100 club test of the snow bike product  
21 with Sam's Club referenced in Your April 16, 2009 email marked as Bates no. SDI  
22 001248.

**23 | RESPONSE TO REQUEST NO. 48:**

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Subject to and without waiving the foregoing objections, Defendant responds that it will produce non-privileged items responsive to this request to the extent they exist and/or are in its possession, custody or control.

1     **REQUEST NO. 49:**

2              Produce all Communications concerning the distribution relationship You  
3     discussed in Your March 2009 email exchange with Plaintiff marked as Bates no.  
4     T4KP000067-80.

5     **RESPONSE TO REQUEST NO. 49:**

6              Defendant refers to and incorporates by reference all of the General  
7     Objections stated above as though set forth in full herein. Defendant objects to this  
8     request on the grounds that the requested documents are equally accessible to  
9     Plaintiff. Defendant further objects to this request on the grounds that it is vague  
10    and ambiguous at least to the extent that the term "distribution relationship" is not  
11    defined. Defendant also objects to this request on the grounds that "distribution  
12    relationship" is a legal conclusion. Subject to and without waiving the foregoing  
13    objections, Defendant responds that it will produce non-privileged items  
14    responsive to this request related to T4KP000067-80 and to the extent they exist  
15    and/or are in its possession, custody or control.

16     **REQUEST NO. 50:**

17              Produce all Documents related to Your possession or receipt of the  
18     information Plaintiff sent to you in March 2009 supporting the distribution  
19     relationship that the parties discussed, including, but not limited to, the sales  
20    information marked as Bates no. SDI 001200-01 and SDI 01193-94.

21     **RESPONSE TO REQUEST NO. 50:**

22              Defendant refers to and incorporates by reference all of the General  
23     Objections stated above as though set forth in full herein. Defendant objects to this  
24     request on the grounds that the requested documents are equally accessible to  
25     Plaintiff. Defendant further objects to this request on the grounds that it is vague  
26     and ambiguous at least to the extent that the terms "distribution relationship" and  
27     "sales information" are not defined. Defendant also objects to this request on the  
28     grounds that "distribution relationship" is a legal conclusion. Subject to and

1 without waiving the foregoing objections, Defendant responds that it will produce  
2 non-privileged items responsive to this request related to SDI 001200-01 and SDI  
3 01193-94 and to the extent they exist and/or are in its possession, custody or  
4 control.

5 **REQUEST NO. 51:**

6 Produce all Documents related to the “overall comparison” You referenced  
7 in your email marked as Bates no. SDI 001143.

8 **RESPONSE TO REQUEST NO. 51:**

9 Defendant refers to and incorporates by reference all of the General  
10 Objections stated above as though set forth in full herein. Subject to and without  
11 waiving the foregoing objections, Defendant responds that it will produce non-  
12 privileged items responsive to this request to the extent they exist and/or are in its  
13 possession, custody or control.

14 **REQUEST NO. 52:**

15 Produce all Documents that You attached to Your email marked as Bates no.  
16 SDI 001143.

17 **RESPONSE TO REQUEST NO. 52:**

18 Defendant refers to and incorporates by reference all of the General  
19 Objections stated above as though set forth in full herein. Subject to and without  
20 waiving the foregoing objections, Defendant responds that it will produce non-  
21 privileged items responsive to this request to the extent they exist and/or are in its  
22 possession, custody or control.

23 **REQUEST NO. 53.**

24 Produce all Communications between You and Sam’s Club concerning  
25 Plaintiff or Plaintiff’s Products.

26 **RESPONSE TO REQUEST NO. 53:**

27 Defendant refers to and incorporates by reference all of the General  
28 Objections stated above as though set forth in full herein. Defendant objects to this

1 request on the grounds that it is overly broad and unduly burdensome at least to the  
2 extent that it is not limited in time and scope, and also to the extent that the  
3 requested documents are not within Defendant's possession, custody or control.  
4 Subject to and without waiving the foregoing objections, Defendant responds that  
5 it will produce non-privileged items responsive to this request from 2009 until  
6 present day to the extent they exist and/or are in its possession, custody or control.

7  
8 DATED: February 6, 2013 STRADLING YOCCA CARLSON &  
9 RAUTH

10 By: /s/Sarah S. Brooks  
11 YURI MIKULKA  
12 SARAH S. BROOKS  
13 Attorneys for Defendant and  
Counter-Claimant SPORT  
DIMENSION, INC.

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## **CERTIFICATE OF SERVICE**

I certify that on February 6, 2013, *Defendant Sport Dimension, Inc.*'s *Response to Tech-4-Kids, Inc.*'s *Second Set of Requests for the Production of Documents* were served on all parties or their counsel of record by serving a true and correct copy at the addresses listed below:

VALERIE W. HO  
(hov@gtlaw.com)  
EFFREY F. YEE  
(yeej@gtlaw.com)  
MICHAEL STEVEN LAWRENCE  
(lawrencem@gtlaw.com)  
Greenberg Traurig LLP  
1840 Century Park East, Suite 1900  
Los Angeles, CA 90067-2101  
Tel: (310) 586-7700  
Fax: (310) 586-7800

*Attorneys for Plaintiff and Counter-Defendant  
TECH-4-KIDS, INC.*

/s/ Sarah S. Brooks  
Sarah S. Brooks

February 6, 2013  
Date

# **EXHIBIT F**

1 YURI MIKULKA, SBN 185926  
2 (ymikulka@sycr.com)  
3 SARAH S. BROOKS, SBN 266292  
4 (sbrooks@sycr.com)  
5 STRADLING YOCCA CARLSON & RAUTH  
6 660 Newport Center Drive, Suite 1600  
7 Newport Beach, CA 92660-6422  
Telephone: (949) 725-4000  
Facsimile: (949) 725-4100

6 Attorneys for Defendant and  
Counter-Claimant  
7 SPORT DIMENSION, INC.

8  
9  
10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12 **WESTERN DIVISION**

13 TECH-4-KIDS, INC.

14 Plaintiff,

15 vs.

16 SPORT DIMENSION, INC.,

17 Defendant.

CASE NO. 2:12-cv-06769-PA-AJW

Honorable Percy Anderson

**SPORT DIMENSION, INC.'S  
RESPONSES TO TECH-4-KIDS,  
INC.'S THIRD SET OF REQUESTS  
FOR THE PRODUCTION OF  
DOCUMENTS AND THINGS**

Initial Complaint Filed: December 6, 2011

First Amended Complaint Filed:  
August 17, 2012

Second Amended Complaint Filed:  
March 4, 2013

22 SPORT DIMENSION, INC.,

23 Counter-Claimant,

24 vs.

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26 TECH-4-KIDS, INC.,

27 Counter-Defendant.

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1 PROPOUNDING PARTY: Plaintiff Tech-4-Kids, Inc.

2 RESPONDING PARTY: Defendant Sport Dimension, Inc.

3 SET NO.: Three (3)

4 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant  
5 Sport Dimension, Inc. (“Defendant”), through its counsel, hereby responds and  
6 objects to Tech-4-Kids, Inc.’s (“Tech-4-Kids” or “Plaintiff”) Third Set of Requests  
7 for the Production of Documents and Things (Nos. 54-60) to Sport Dimension, Inc.  
8 (“Requests”), as follows:

9 **PRELIMINARY STATEMENT**

10 Defendant and its attorneys’ investigation and analysis are continuing and  
11 not complete, and their discovery is at an early stage. Defendant reserves the right  
12 without limitation, to amend, modify, or supplement, these responses, to set forth  
13 any additional information that is relevant to these responses which Defendant  
14 and/or its attorneys subsequently learn or discover, to set forth any additional  
15 information which Defendant and/or its attorneys subsequently conclude is  
16 relevant to these responses and/or to use and introduce such information at any  
17 hearings or trial of this action whether or not these responses are so supplemented.

18 By service of these responses, Defendant does not waive or re-start the time  
19 period for filing of any motion to compel.

20 **GENERAL OBJECTIONS**

21 1. Defendant hereby asserts the following General Objections (the  
22 “General Objections”) to the Requests, each of which is hereby incorporated by  
23 reference into the response to each individual Request below. From time to time,  
24 and for purpose of emphasis, Defendant may restate one or more of the General  
25 Objections as specific objections to individual Requests. Such restatement, or the  
26 failure to restate, should not be taken as a waiver of any General Objection not  
27 restated.

1       2. Defendant objects and responds to the Requests on the basis of facts  
2 and circumstances as they are presently known to Defendant. Defendant has not  
3 completed its discovery and preparation for trial. Accordingly, all of the following  
4 objections and responses are provided without prejudice to Defendant's right to  
5 introduce at trial any evidence it subsequently discovers. Defendant reserves the  
6 right to supplement his objections and responses to the Requests based upon  
7 newly-discovered evidence of information of which Defendant is not aware as of  
8 the present date.

9       3. Defendant objects to the Requests insofar as they seek information or  
10 documents that are privileged and/or protected from disclosure by the attorney-  
11 client privilege, the work-product doctrine, the privacy privilege, the joint-defense  
12 privilege or any other privilege or immunity, and refuses to produce any such  
13 document(s). Defendant does not intend by these responses or objections to waive  
14 any claim or privilege or immunity. Defendant's objections and responses are  
15 conditioned specifically on the understanding that the provision of information for  
16 which any claim of privilege is applicable shall be deemed inadvertent and not a  
17 waiver of the claim of privilege.

18       4. Defendant objects to the Requests to the extent that they call for the  
19 production of documents that are protected by the privacy rights of itself or any  
20 other person or entity as provided by the California and United States Constitution  
21 and/or any other statute or legal authority.

22       5. Defendant objects to the Requests to the extent that they call for the  
23 production of trade secrets, confidential information and proprietary information  
24 regarding Defendant's business and/or business operations.

25       6. Inadvertent production of any document that is privileged, or which is  
26 otherwise immune from discovery, shall not constitute, and is in no way intended  
27 as, a waiver of any privilege or any other ground for objecting to such discovery

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1 with respect to such document or any other document, the subject matter thereof,  
2 the information contained therein, during any subsequent proceeding.

3       7. Defendant reserves the right to produce only the responsive portions  
4 of documents where such document also contain information that is not relevant to  
5 the subject matter of this action, is not reasonably calculated to lead to the  
6 discovery of admissible evidence, is privileged or is otherwise protected from  
7 disclosure.

8       8. Defendant objects to producing multiple copies of the same document,  
9 and the same document in multiple formats (*e.g.* hard copy and electronic copy).  
10 Where multiple copies of multiple formats exist, Defendant will produce only one  
11 copy or format of the same document.

12       9. It should not be inferred from the form or substance of any objection  
13 or response herein that documents responsive to any particular Request exist.

14       10. Defendant objects to the definitions and instructions contained in the  
15 Requests to the extent that they impose obligations on Defendant beyond those  
16 permitted by the Federal Rules of Civil Procedure and applicable case law.  
17 Defendant will interpret each Request and respond pursuant to, and in light of, the  
18 requirements of the Federal Rules of Civil Procedure and applicable case law.

19       11. Defendant objects to the Requests to the extent they seek information  
20 from time periods not relevant to this action. Without further limitation as to time,  
21 the Requests are overbroad, unduly burdensome, seek irrelevant information, and  
22 are not reasonably calculated to lead to the discovery of admissible evidence.

23       12. Defendant objects to the Requests on the grounds that Plaintiff has  
24 failed to identify the trade secret with reasonable particularity prior to commencing  
25 discovery, as required under California Code of Civil Procedure 2019.210.

26       13. Defendant objects to producing documents that are in the possession,  
27 custody or control of Plaintiff or equally available to Plaintiff, including

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1 correspondence exchanged between Defendant and Plaintiff, or either of them, and  
2 documents exchanged or filed in connection with this litigation.

3       14. The General Objections set forth above apply to, and are hereby  
4 incorporated into each specific response and/or objection set forth below.  
5 Defendant responds and/or objects to each Request subject to these General  
6 Objections, and without waiving them.

## **RESPONSES TO REQUESTS FOR PRODUCTION**

**8 | REQUEST NO. 54:**

9 Produce all backup and supporting Documents and Information, including raw  
10 data and databases, relating to the contents of the document Bates no. SDI 015722.

**11 | RESPONSE TO REQUEST NO. 54:**

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds that it is overly broad and unduly burdensome at least to the extent that it asks for “all backup and supporting documents” and all “raw data and databases.” Subject to and without waiving the foregoing objections, Defendant responds that it will produce reasonable backup and supporting items responsive to this request related to the contents of SDI 015722 to the extent they exist and/or are in its possession, custody or control and are not privileged.

**20 | REQUEST NO. 55:**

21 Produce all backup and supporting Documents and Information, including raw  
22 data and databases, relating to the contents of the document Bates no. SDI 015734.

**23 | RESPONSE TO REQUEST NO. 55:**

24 Defendant refers to and incorporates by reference all of the General  
25 Objections stated above as though set forth in full herein. Defendant objects to this  
26 request on the grounds that it is overly broad and unduly burdensome at least to the  
27 extent that it asks for “all backup and supporting documents” and all “raw data and  
28 databases.” Subject to and without waiving the foregoing objections, Defendant

1 responds that it will produce reasonable backup and supporting items responsive to  
2 this request related to the contents of SDI 015734 to the extent they exist and/or are  
3 in its possession, custody or control and are not privileged.

4 **REQUEST NO. 56:**

5 Produce all Documents relating to, substantiating, or identifying the "Landed  
6 cost" referenced in the document Bates no. SDI 015734.

7 **RESPONSE TO REQUEST NO. 56:**

8 Defendant refers to and incorporates by reference all of the General  
9 Objections stated above as though set forth in full herein. Defendant objects to this  
10 request on the grounds that it is overly broad and unduly burdensome at least to the  
11 extent that it asks for all documents relating to, substantiating or identifying the  
12 "landed cost." Subject to and without waiving the foregoing objections, Defendant  
13 responds that it will produce reasonable backup and supporting items responsive to  
14 this request related to the "landed cost" identified in SDI 015734 to the extent they  
15 exist and/or are in its possession, custody or control and are not privileged.

16 **REQUEST NO. 57:**

17 Produce all purchase orders, shipping orders and/or bills of lading associated  
18 with the sale of snow bikes by Sport Dimension and/or Stallion from 2008 to the  
19 present.

20 **RESPONSE TO REQUEST NO. 57:**

21 Defendant refers to and incorporates by reference all of the General  
22 Objections stated above as though set forth in full herein. Defendant objects to this  
23 request on the grounds that it is overly broad and unduly burdensome at least to the  
24 extent that it asks for "all" purchase orders, shipping order and/or bills of lading.  
25 Defendant also objects to the request on the grounds that the requested documents  
26 are not within the Defendant's possession, custody or control. Defendant further  
27 objects to this request on the grounds that Stallion is not a party to this action.  
28 Subject to and without waiving the foregoing objections, Defendant responds that

1 it will produce non-privileged items responsive to this request to the extent they  
2 exist and/or are in its possession, custody or control.

3 **REQUEST NO. 58:**

4 Produce all Documents and things relating to Stallion's sale of snow bikes.

5 **RESPONSE TO REQUEST NO. 58:**

6 Defendant refers to and incorporates by reference all of the General  
7 Objections stated above as though set forth in full herein. Defendant objects to this  
8 request on the grounds that the requested documents are not within Defendant's  
9 possession, custody or control. Defendant also objects to this request on the  
10 grounds that Stallion is not a party to this action.

11 **REQUEST NO. 59:**

12 Produce all financial documents, financial statements, and sales spreadsheets  
13 relating to snow bikes exchanged between Sport Dimension and Stallion from 2010 to  
14 the present.

15 **RESPONSE TO REQUEST NO. 59:**

16 Defendant refers to and incorporates by reference all of the General  
17 Objections stated above as though set forth in full herein. Defendant objects to this  
18 request on the grounds that it is overly broad and unduly burdensome at least to the  
19 extent the request asks for "all" financial documents, statements and sales  
20 spreadsheets. Defendant also objects to this request on the grounds that the  
21 requested documents are not within the Defendant's possession, custody or control.  
22 Subject to and without waiving the foregoing objections, Defendant responds that  
23 it will produce non-privileged items responsive to this request to the extent they  
24 exist and/or are in its possession, custody or control.

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1     **REQUEST NO. 60.**

2              Produce all yearly and quarterly income statements, earning statements,  
3 profit & loss statements, and balance sheets belonging to Sport Dimension or  
4 Stallion from 2008 to the present.

5     **RESPONSE TO REQUEST NO. 60:**

6              Defendant refers to and incorporates by reference all of the General  
7 Objections stated above as though set forth in full herein. Defendant objects to this  
8 request on the grounds that it is overly broad and unduly burdensome at least to the  
9 extent the request asks for “all” financial documents, statements and sales  
10 spreadsheets. Defendant also objects to this request on the grounds that the  
11 requested documents are not within the Defendant’s possession, custody or control.  
12 Finally, Defendant objects to this request on the grounds that the requested  
13 information is not relevant or related to the product at issue in this litigation.

14              DATED: March 11, 2013

15              STRADLING YOCCA CARLSON &  
16              RAUTH

17              By: /s/Sarah S. Brooks  
18              YURI MIKULKA  
19              SARAH S. BROOKS  
20              Attorneys for Defendant and  
21              Counter-Claimant SPORT  
22              DIMENSION, INC.

## **CERTIFICATE OF SERVICE**

I certify that on March 11, 2013, *Defendant Sport Dimension, Inc.*'s *Response to Tech-4-Kids, Inc.'s Third Set of Requests for the Production of Documents* were served on all parties or their counsel of record by serving a true and correct copy at the addresses listed below:

**VALERIE W. HO**  
(hov@gtlaw.com)  
**FEFFREY F. YEE**  
(yeej@gtlaw.com)  
**MICHAEL STEVEN LAWRENCE**  
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Tel: (310) 586-7700  
Fax: (310) 586-7800

*Attorneys for Plaintiff and Counter-Defendant  
TECH-4-KIDS, INC.*

/s/ Sarah S. Brooks  
Sarah S. Brooks

March 11, 2013 \_\_\_\_\_  
Date

**EXHIBIT G**  
**FILED UNDER SEAL PURSUANT**  
**TO PROTECTIVE ORDER**

**EXHIBIT H**  
**FILED UNDER SEAL PURSUANT**  
**TO PROTECTIVE ORDER**

**EXHIBIT I**  
**FILED UNDER SEAL PURSUANT**  
**TO PROTECTIVE ORDER**

**EXHIBIT J**  
**FILED UNDER SEAL PURSUANT**  
**TO PROTECTIVE ORDER**

# **EXHIBIT K**

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Position: Global Manufacturers - Sports &amp; Entertainment / Sport Products - Hong Kong - Profile

## Stallion Sport

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**Company Name:** Stallion Sport  
**Business Owner:** Joseph Lin  
**Employees:** 11 - 50 People  
**Main markets:** Western Europe  
**Business Type:** Trading Company  
**Product/Service:** Personal Flotation Device (PFD), Wetsuits, Bicycles, Snow Sleds, Camping gear, pool recreational products  
**About Us:** Stallion Sport was established in 1992 in Los Angeles California before moving to Hong Kong in 2002.

We are a licensing company specializing in the research and development of sports and active products.

We supply our customers with products to satisfy all their active needs. Whether its surfing, diving, boating, wakeboarding, waterskiing, jet-skiing, or just lazing about the pool, Stallion has done it before and can do it for you.

Our products are designed to fit, protect and be enjoyed by all ages; from infants getting their feet wet to the athlete at the top of their game, our diversity of knowledge and skills ensure a wide product spread.

**Category:** Sports & Entertainment - Sport Products

**Region:** Hong Kong Stallion Sport

**Link Tool:** Hong Kong Sports & Entertainment - Hong Kong Sport Products

**Tags:** jet sking - moving to hong kong - active products

**Contact Person:** Mr. Ben Kerr

**Zip Code:** -----

**Website:** <http://www.gmdu.net/corp-391615.html>

**Address:** 6 Shing Yip Street, Hong Kong

**Telephone:** 852-2145 7188

**Fax:** 852-21457788

**PDF:** Stallion Sport PDF

**Google Map:** Stallion Sport Map

## Where to Get Coconut Oil

TropicalTraditions.com

Get organic Gold Label Virgin Coconut Oil. Discounts, bulk sizes.

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[Sell] treadmill

[Sell] swimming pool equipment supplier

[Sell] Brand New Inbox 2012 Segway X2

[Sell] China Best Kayak Seats/Pads Supplier

[Sell] roulette wheel

**Company Reviews:** Stallion Sport

No advertising and No spamming please

Your Name:

Your Rating:  Rating 4 (Good)

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- FLAVONES
- Sweet Lead Herbal Incense
- IVY HANDCRAFTS
- Mould Steel Hotline
- Hangzhou Huashun Auto Parts Factory
- I.V.Equipment
- Go Getters Trading(Pty) Ltd
- Horse Tack and Saddlery
- Maple trading
- Arbrapalabra
- Unique Fashion Technology Co., Ltd
- NKC Auto Mobiles
- Eng Kok Consultancy

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- TRADING CO., LIMITED
- Wokai Chemical Co. , Limited
- Wai Cheong Trading Company
- Attamark Products Ltd.
- Gethsemane Company Ltd.
- Wing Hop Poultry Feed Co Ltd
- Win Tak Industrial Co.
- Dragon Supplies Ltd
- Sunset Farms inc / Sunset Corp. USA
- Pacific Traders
- YMG International (HK) Co.,Limited
- Scaffolding Factory. Co
- shixtec & bio co. ltd.
- IAP Business Services Ltd
- Orientlink (Hong Kong) Ltd.
- Grey Technology (HK) Ltd
- HK UPPER BOND INDUSTRIAL LTD
- Bun Chuen

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Global Manufacturers

**EXHIBIT L**  
**FILED UNDER SEAL PURSUANT**  
**TO PROTECTIVE ORDER**

# **EXHIBIT M**



HOME COMPANY PRODUCTS CUSTOMER CARE CAREERS CONTACT



**CUSTOMER CARE AND WARRANTY INFORMATION:**

- Wetsuit Care and Warranty
- PFD Care and Warranty
- Bodyboards Care and Warranty
- Sea-Doo Seascooters™ Care and Warranty
- Warning for Non-Coast Guard Approved PFD
- Skimboards Care and Warranty
- Snow Bikes Care and Warranty

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COMPANY

PRODUCTS

NEWS & EVENTS

PRESS

DOWNLOADS

SUPPORT

ONLINE SHOP



## Warranty & claims

### CLAIM FORM DOWNLOAD

Last Update: 06 Oct, 2011

Please choose your purchase territory -

COSTCO USA

YAMAHA SNOW BIKE [click here]

NEWS IN BRIEF



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# **EXHIBIT N**

www.sea-doo.com'. A note at the bottom right states: 'SnowSlider® and the SnowSlider logo are registered trademarks of Stallion Sport Ltd. No Rules® and the No Rules® logo are registered trademarks of No Rules® and used under license from No Rules®'."/>

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Graphic and molded technology covered by:  
U.S. Patent No. 7,059,922  
U.S. Patent No. 7,430,717, U.S. Patent No. 7,430,718

1 2 3 4 5

# **EXHIBIT O**

Side - 1

**NOTICE OF ACCEPTANCE AND  
ACKNOWLEDGEMENT OF §§8 & 15  
DECLARATION  
MAILING DATE: Mar 20, 2012**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

**REG NUMBER:** 3069995  
**MARK:** SNOWSLIDER  
**OWNER:** Sport Dimension, Inc.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE  
COMMISSIONER FOR TRADEMARKS  
P.O. BOX 1451  
ALEXANDRIA, VA 22313-1451

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U.S POSTAGE  
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Raymond Sun  
LAW OFFICES OF RAYMOND SUN  
20 CORPORATE PARK STE 155  
IRVINE, CA 92606-5183

PTO Form 1582 (Rev 5/2006)  
OMB No. 0851-0955 (Exp 09/30/2014)

## Combined Declaration of Use and Incontestability under Sections 8 & 15

---

**The table below presents the data as entered.**

Input Field	Entered
REGISTRATION NUMBER	3069995
REGISTRATION DATE	03/21/2006
SERIAL NUMBER	76634966
<b>MARK SECTION</b>	
MARK	SNOWSLIDER
<b>ATTORNEY SECTION (current)</b>	
NAME	Raymond Sun
FIRM NAME	LAW OFFICES OF RAYMOND SUN
STREET	20 CORPORATE PARK STE 155
CITY	IRVINE
STATE	California
POSTAL CODE	92606-5183
COUNTRY	United States
PHONE	949-252-9180
FAX	949-251-9280
<b>ATTORNEY SECTION (proposed)</b>	
NAME	Raymond Sun
FIRM NAME	LAW OFFICES OF RAYMOND SUN
STREET	20 CORPORATE PARK STE 155
CITY	IRVINE
STATE	California
POSTAL CODE	92606-5183
COUNTRY	United States

PHONE	949-252-9180
FAX	949-251-9280
EMAIL	rsunlaw@aol.com

**CORRESPONDENCE SECTION (current)**

NAME	RAYMOND SUN
FIRM NAME	LAW OFFICES OF RAYMOND SUN
STREET	20 CORPORATE PARK STE 155
CITY	IRVINE
STATE	California
POSTAL CODE	92606-5183
COUNTRY	United States
PHONE	949-252-9180
FAX	949-251-9280

**CORRESPONDENCE SECTION (proposed)**

NAME	RAYMOND SUN
FIRM NAME	LAW OFFICES OF RAYMOND SUN
STREET	20 CORPORATE PARK STE 155
CITY	IRVINE
STATE	California
POSTAL CODE	92606-5183
COUNTRY	United States
PHONE	949-252-9180
FAX	949-251-9280
EMAIL	rsunlaw@aol.com

**GOODS AND/OR SERVICES SECTION**

INTERNATIONAL CLASS	028
GOODS OR SERVICES	Snow sleds for recreational use
SPECIMEN FILE NAME(S)	<u>WTICRS\EXPORT11\IMAGEOUT</u> <u>11\766\349\76634966\xml\8150002.JPG</u>
SPECIMEN DESCRIPTION	Photograph of an actual product
<b>OWNER SECTION (current)</b>	

NAME	Sport Dimension, Inc.
STREET	2860 California Street
CITY	Torrance
STATE	California
ZIP/POSTAL CODE	90503
COUNTRY	United States
<b>OWNER SECTION (proposed)</b>	
NAME	Sport Dimension, Inc.
STREET	966 Sandhill Avenue
CITY	Carson
STATE	California
ZIP/POSTAL CODE	90746
COUNTRY	United States
<b>LEGAL ENTITY SECTION (current)</b>	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	California
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
TOTAL FEE PAID	300
<b>SIGNATURE SECTION</b>	
SIGNATURE	/Raymond Sun/
SIGNATORY'S NAME	Raymond Sun
SIGNATORY'S POSITION	Attorney of record, CA138363
DATE SIGNED	02/08/2012
SIGNATORY'S PHONE NUMBER	949-252-9180
PAYMENT METHOD	CC
<b>FILING INFORMATION</b>	
SUBMIT DATE	Wed Feb 08 12:29:04 EST 2012

<b>TEAS STAMP</b>	USPTO/S08N15-98.189.37,29 -20120208122904378308-306 9995-49059745f29b247ec080 1588865a9c2b9-CC-9984-201 20208121936003614
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PTO Form 1583 (Rev 5/2006)  
OMB No. 0651-0055 (Exp 09/30/2014)

**Combined Declaration of Use and Incontestability under Sections 8 & 15  
To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 3069995

**REGISTRATION DATE:** 03/21/2006

**MARK:** SNOWSLIDER

The owner, Sport Dimension, Inc., a corporation of California, having an address of  
966 Sandhill Avenue  
Carson, California 90746  
United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 028, the mark is in use in commerce on or in connection with all of the goods or services listed in the existing registration for this specific class: Snow sleds for recreational use; and the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with all goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Photograph of an actual product.

**Specimen File**

The registrant's current Attorney Information: Raymond Sun of LAW OFFICES OF RAYMOND SUN  
20 CORPORATE PARK STE 155  
IRVINE, California (CA) 92606-5183  
United States

The registrant's proposed Attorney Information: Raymond Sun of LAW OFFICES OF RAYMOND SUN  
20 CORPORATE PARK STE 155  
IRVINE, California (CA) 92606-5183  
United States

The phone number is 949-252-9180.

The fax number is 949-251-9280.

The email address is rsunlaw@aol.com.

The registrant's current Correspondence Information: RAYMOND SUN of LAW OFFICES OF RAYMOND SUN

20 CORPORATE PARK STE 155  
IRVINE, California (CA) 92606-5183  
United States

The registrant's proposed Correspondence Information: RAYMOND SUN of LAW OFFICES OF RAYMOND SUN

20 CORPORATE PARK STE 155  
IRVINE, California (CA) 92606-5183  
United States

The phone number is 949-252-9180.

The fax number is 949-251-9280.

The email address is rsunlaw@aol.com.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

#### Declaration

*The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Raymond Sun/ Date: 02/08/2012

Signatory's Name: Raymond Sun

Signatory's Position: Attorney of record, CA138363

Signatory's Phone Number: 949-252-9180

Mailing Address (current):

LAW OFFICES OF RAYMOND SUN  
20 CORPORATE PARK STE 155

IRVINE, California 92606-5183

Mailing Address (proposed):

LAW OFFICES OF RAYMOND SUN  
20 CORPORATE PARK STE 155  
IRVINE, California 92606-5183

Serial Number: 76634966

Internet Transmission Date: Wed Feb 08 12:29:04 EST 2012

TEAS Stamp: USPTO/S08N15-98.189.37.29-20120208122904

378308-3069995-49059745f29b247ec08015888

65a9c2b9-CC-9984-20120208121936003614

# **EXHIBIT P**

1      **GREENBERG TRAURIG, LLP**

2      Valerie W. Ho (SBN 200505) (hov@gtlaw.com)  
3      Jeffrey F. Yee (SBN 193123) (yeej@gtlaw.com)  
4      1840 Century Park East, Suite 1900  
5      Los Angeles, California 90067  
6      Telephone: (310) 586-7700  
7      Facsimile: (310) 586-7800

8  
9      Attorneys for Plaintiff  
10     Tech-4-Kids, Inc.

11  
12     **UNITED STATES DISTRICT COURT**  
13     **CENTRAL DISTRICT OF CALIFORNIA**  
14     **WESTERN DIVISION**

15     TECH-4-KIDS, INC.,

16         Plaintiff,

17     vs.

18     SPORT DIMENSION, INC.,

19         Defendant.

20     CASE NO. 2:12-CV-06769-PA-AJW

21     **TECH-4-KIDS, INC.'S FIRST SET  
22     OF REQUESTS FOR THE  
23     PRODUCTION OF DOCUMENTS  
24     AND THINGS (Nos. 1-46) TO SPORT  
25     DIMENSION, INC.**

26     **Judge: Honorable Percy Anderson**

27     SPORT DIMENSION, INC.,

28         Counterclaimant,

29     vs.

30     TECH-4-KIDS, INC.,

31         Counterdefendant.

32  
33     **TECH-4-KID, INC.'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND  
34     THINGS (Nos. 1-46) TO SPORT DIMENSION, INC.**

1 Pursuant to Federal Rules of Civil Procedure Rules 26 and 34, and the Court's  
2 Order Setting Scheduling Conference (Dkt. 38), Plaintiff and Counter-Defendant Tech-4-  
3 Kids, Inc. ("Tech-4-Kids" or "Plaintiff") hereby requests that Defendant and  
4 Counterclaimant Sport Dimension, Inc. ("Sport Dimension" or "Defendant") answer the  
5 following Requests for the Production of Documents and Things ("Requests") and  
6 produce all responsive Documents and Things in its possession, custody or control within  
7 30 days of service of these Requests at Greenberg Traurig, LLP, 1840 Century Park East,  
8 Suite 1900, Los Angeles, California 90067.

9 **DEFINITIONS**

10 1. "Sport Dimension" refers to and includes Sport Dimension, Inc., its officers,  
11 directors, current and former employees, agents, consultants, representatives, and any  
12 other person acting on behalf of any of the foregoing; as well as its affiliates, parents,  
13 divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in  
14 interest, and any other legal entities, whether foreign or domestic, that are owned or  
15 controlled by Sport Dimension and all predecessors and successors in interest to such  
16 entities.

17 2. The term "You" or "Your" refers to Sport Dimension as previously defined.

18 3. The term "Tech-4-Kids" refers to Tech-4-Kids, Inc., its officers, directors,  
19 current and former employees, agents, consultants, representatives, and any other person  
20 acting on behalf of any of the foregoing; as well as its affiliates, parents, divisions, joint  
21 ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any  
22 other legal entities, whether foreign or domestic, that are owned or controlled by Tech-4-  
23 Kids and all predecessors and successors in interest to such entities.

24 4. The term "Costco" refers to Costco Wholesale Corporation, its officers,  
25 directors, current and former employees, counsel, agents, consultants, representatives,  
26 and any other person acting on behalf of any of the foregoing; as well as its affiliates,  
27 parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and  
28 successors in interest, and any other legal entities, whether foreign or domestic, that are

1 owned or controlled by Costco and all predecessors and successors in interest to such  
2 entities.

3       5. The term "Complaint" refers to the First Amended Complaint filed by  
4 Plaintiff on August 17, 2012; *see*, Dkt. No. 29.

5       6. The term "Answer" refers to Sport Dimension's Answer to First Amended  
6 Complaint filed by You on September 6, 2012; *see*, Dkt. No. 33.

7       7. The term "Counterclaim" refers to Sport Dimension's Counterclaim Against  
8 Tech-4-Kids, Inc. filed by You on September 6, 2012; *see*, Dkt. No. 35.

9       8. The term "snow bike" shall have the same meaning as used in Your  
10 Counterclaim.

11       9. The terms "Person" or "Persons" means any natural person, individual, firm,  
12 association, corporation, partnership, foundation, proprietorship, joint venture,  
13 organization or entity, including all governmental entities, agencies, officers and  
14 departments.

15       10. The terms "concerning," "relate to," "relating to," and "regarding" shall be  
16 construed in their broadest sense and shall mean directly or indirectly describing, setting  
17 forth, discussing, mentioning, commenting upon, supporting, evidencing, constituting,  
18 contradicting, or referring to the subject or topic in question, either in whole or in part.

19       11. The term "Communications" refers to every manner of disclosure, transfer,  
20 or exchange of information, whether Person to Person, in a group, orally, in writing, by  
21 telephone, by electronic transmission, or any other manner, including letter or other  
22 correspondence, electronic mail, telephone message, memorandum or telegram.

23       12. The term "Document" or "Documents" has the broadest possible meaning  
24 allowable by Fed. R. Civ. P. 34 and any other applicable Federal Rules of Civil  
25 Procedure, and shall include, wherever applicable and without limitation, information-  
26 containing matter of any kind, including but not limited to, any recordation of any  
27 intelligence or information or communication, whether handwritten, typed, printed,  
28 electronically stored or recorded, or otherwise reproduced, whether in "hard-copy" form

1 or digital form, further including without limitation, photographs, letters, correspondence,  
2 memoranda, routing slips, telegrams, notes, statements, publications, brochures, reports,  
3 compilations, data, notebooks, laboratory notebooks, work papers, graphs, charts,  
4 specifications, bills of material, blueprints, books, pamphlets, circulars, manuals,  
5 instructions, ledgers, journals, invoices, shipping papers, purchase orders, drawings  
(including engineering, design, assembly, and detail drawings), sketches, diaries, sales  
6 literature, advertising literature, press releases, paste ups, agreements, minutes of  
7 meetings, magnetic tape, disk or wire, other machine reproducible records including  
8 electronic files, read only memories (ROMS), films, videotapes and sound reproductions,  
9 printout sheets, summaries, transcripts or records of telephone conversations, personal  
10 conversations or interviews, and any and all other writings, typing, printings, drafts,  
11 revisions, translations to or from foreign languages, copies and/or mechanical or  
12 photographic reproductions or recordation thereof or any other form of "writing" as  
13 defined in Federal Rule of Evidence 1001. The term "Documents" also includes all non-  
14 identical copies, such as those bearing marginal comments, postscripts, changes,  
15 amendments, addenda or other notations not present on the original Document as initially  
16 written, typed or otherwise prepared.

17       13. The term "Thing" shall have the broadest meaning allowable under the  
18 Federal Rules of Civil Procedure and includes every kind of physical specimen or  
19 tangible item, other than a "Document."

20       14. The term "Electronically Stored Information" has the same meaning as that  
21 term is used and defined in Federal Rule of Civil Procedure 34(a).

22       15. "Native Format" means the file structure of Electronically Stored  
23 Information defined by the original creating application, such as WordPerfect, Microsoft  
24 Word, Microsoft Excel, Keynote, and Macromedia Director.

25       16. "Metadata" means information about a particular data set or Document that  
26 describes how, when, and by whom it was collected, created, accessed, modified, sent,  
27 received, and how it is formatted.

17. "Production Media" means Documents on readily accessible computer or electronic media such as, CD-Rom, DVD, or external hard drive (with standard PC-compatible interface).

## **INSTRUCTIONS**

1. For purposes of interpreting or construing the following Requests, the terms used are to be given their most expansive and inclusive interpretation unless otherwise specifically limited in the Request itself. This includes, without limitation, the following:

- a. Construing the words "and" and "or" used in any Request in the disjunctive or conjunctive as necessary, to make the Request more inclusive;
  - b. Construing the words "any" and "all" used in any Request to mean "any and all" as necessary to make the Request more inclusive;
  - c. Construing the singular form of any word to include the plural and the plural form to include the singular; and
  - d. Construing the masculine form to include the feminine and/or the gender-neutral form.

2. You must produce all Documents responsive to these Requests which are in Your actual or constructive possession, custody or control, including all Documents within the actual or constructive possession, custody or control of any representative, agent, employee, attorney, accountant, investigator or any Person acting for You or on Your behalf.

3. If any information called for is withheld on the basis of a claim or privilege or attorney work-product, the claimed basis for withholding the information and the nature of the information withheld shall be set forth in a privilege log satisfying the requirements of Federal Rule of Civil Procedure 26(b)(5)(a).

4. If You know of the existence, past or present, of any Document requested herein, but are unable to produce such Document because it is not presently in Your possession, custody or control, or in the possession, custody or control of Your agents, representatives, employees, or attorneys, You shall so state in Your response and shall

1 identify (by title, if any, nature of Document and subject matter) such Document and  
2 shall identify (by name, address and telephone number) the Person who last had  
3 possession, custody or control of the Document.

4       5. If, in responding to the Requests, You claim that there is any ambiguity in  
5 either a particular Request or in a definition or an instruction applicable thereto, such  
6 claim shall not be used by You as a basis for refusing to respond, but You shall set forth  
7 as part of the response the language deemed to be ambiguous and the interpretation  
8 chosen or used in responding to the particular Request.

9       6. Plaintiff specifies the following manner of production:

10      a. Non-Electronically Stored Information: All non-electronic  
11 Documents are to be produced as they are kept in the usual course of business, in the files  
12 in which such Documents have been maintained, and in the order within each file in  
13 which such Documents have been maintained; or all Documents shall be organized and  
14 labeled to correspond with the Requests below. All Documents are to be produced along  
15 with copies of the file folders in which they are kept.

16      b. Electronically Stored Information: (a) You shall save all data  
17 electronically in Native Format; (b) You shall take all reasonable measures to maintain  
18 the original Native electronic source Documents in a manner so as to preserve the  
19 Metadata associated with these electronic materials as it existed at the time of production  
20 in the event review of such Metadata becomes necessary; (c) Native Format Documents  
21 shall not be manipulated to change how the source Document would have appeared if  
22 printed out to a printer attached to a computer viewing the file; (d) You shall produce  
23 Documents on readily accessible, computer or electronic media such as CD-Rom, DVD,  
24 external hard drive (with standard PC-compatible interface or access to a secure on-line  
25 repository agreed upon by the Parties), or any other Production Media the parties may  
26 mutually agree upon; (e) each piece of Production Media shall be assigned a production  
27 number or other unique identifying label corresponding to the date of the production of  
28 Documents on the Production Media as well as the sequence of the material in that

1 production; (f) any replacement Production Media shall cross-reference the original  
2 Production Media and clearly indicate that it is a replacement and cross-reference the  
3 Document number range that is being replaced; (g) to the extent that decryption or access  
4 passwords are necessary to unlock any data in its Native Format, including, but not  
5 limited to, e-mail passwords and file decryption passwords, such passwords will be  
6 provided immediately upon request, or in a manner the parties mutually agree upon.

7. These Requests are of a continuing nature. You are required to file and  
8 serve supplemental responses if You or any of Your attorneys, agents, or representatives  
9 obtain further or different information after the date of Your initial response, pursuant to  
10 Rule 26(e) of the Federal Rules of Civil Procedure.

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1           **REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS**

2           **REQUEST NO. 1.**

3           Produce two samples of each of Your snow bike products, including the FX Nytro.

4           **REQUEST NO. 2.**

5           Produce all Documents and Things related to Your responses to Plaintiff's First  
6 Set of Interrogatories.

7           **REQUEST NO. 3.**

8           Produce all Documents and Things that You relied on or referred to in preparing  
9 Your responses to Plaintiff's First Set of Interrogatories.

10          **REQUEST NO. 4.**

11          Produce Documents and Things sufficient to identify each Person (other than  
12 outside counsel) who participated, assisted, or was otherwise involved in preparing Your  
13 responses to Plaintiff's First Set of Interrogatories.

14          **REQUEST NO. 5.**

15          Produce all Documents and Things concerning any of Your snow bike products,  
16 including without limitation Communications, meeting minutes, presentations, proposals,  
17 price quotes, notes, reports, drawings, photographs, video recordings, brochures,  
18 pamphlets, manuals, models (functional or non-functional), and prototypes.

19          **REQUEST NO. 6.**

20          Produce all Documents and Things sufficient to identify each Person who  
21 participated, assisted, or was otherwise involved in the conception, design, development,  
22 and/or manufacturing of any snow bike that You have sold, offered for sell, marketed,  
23 promoted, imported, exported, or distributed since 2008.

24          **REQUEST NO. 7.**

25          Produce all Documents and Things concerning the conception, design,  
26 development, and/or manufacturing of any snow bike that You have sold, offered for sell,  
27 marketed, promoted, imported, exported, or distributed since 2008, including without  
28 limitation Communications, drawings, specifications, schematics, meeting minutes,

1 presentations, notes, reports, research, testing data, photographs, video recordings,  
2 brochures, pamphlets, manuals, models (functional or non-functional), and prototypes.

3 **REQUEST NO. 8.**

4 Produce all Documents and Things concerning Your decision to develop a snow  
5 bike product or to enter the snow bike market.

6 **REQUEST NO. 9.**

7 Produce all Documents and Things concerning any agreement relating to any of  
8 Your snow bike products, including without limitation contracts, agreements, licenses,  
9 memorandum, letters of intent, and all drafts thereof.

10 **REQUEST NO. 10.**

11 Produce all Documents and Things concerning Plaintiff, including without  
12 limitation Communications, meeting minutes, presentations, proposals, price quotes,  
13 notes, reports, drawings, photographs, video recordings, brochures, pamphlets, manuals,  
14 models (functional or non-functional), and prototypes.

15 **REQUEST NO. 11.**

16 Produce all Documents and Things concerning Costco, including without  
17 limitation Communications, meeting minutes, presentations, proposals, price quotes,  
18 notes, reports, drawings, photographs, video recordings, brochures, pamphlets, manuals,  
19 models (functional or non-functional), and prototypes.

20 **REQUEST NO. 12.**

21 Produce all Documents and Things concerning any of Plaintiff's snow bikes,  
22 including those depicted in Exhibit A of the Complaint.

23 **REQUEST NO. 13.**

24 Produce all Documents and Things concerning any information You received or  
25 obtained, directly or indirectly, from Plaintiff.

26 **REQUEST NO. 14.**

27 Produce all Documents Concerning each and every snow bike product known to  
28 You or of which You were aware before 2010.

1 **REQUEST NO. 15.**

2 Produce all Documents and Things concerning any analysis of any of Plaintiff's  
3 snow bikes products, including any comparisons of Plaintiff's snow bikes and Your snow  
4 bikes.

5 **REQUEST NO. 16.**

6 Produce all Communications with designers or manufacturers regarding the  
7 development and manufacture of Your snow bike products.

8 **REQUEST NO. 17.**

9 Produce all Documents and Things Concerning Your decision to sell or distribute  
10 snow bike products to Costco.

11 **REQUEST NO. 18.**

12 Produce all Documents and Things concerning the advertising and promotion of  
13 Your snow bike products.

14 **REQUEST NO. 19.**

15 Produce all Documents and Things concerning the market for snow bike products,  
16 including the companies that offer snow bike products and their respective market share.

17 **REQUEST NO. 20.**

18 Produce all Documents and Things concerning the sales, revenues, and profits  
19 generated by each of Your snow bike products from 2008 to the present.

20 **REQUEST NO. 21.**

21 Produce all Documents and Things concerning the costs associated with the  
22 development, manufacture, advertising and/or sale of Your snow bike products.

23 **REQUEST NO. 22.**

24 Produce all Documents and Things concerning any Communication, contracts,  
25 agreements, and negotiations between/among You and any Person(s) concerning any of  
26 Your snow bike products.

1 **REQUEST NO. 23.**

2 Produce all Documents and Things concerning any Communication, contracts,  
3 agreements, and negotiations between/among You and any Person(s) concerning any of  
4 Plaintiff's snow bike products.

5 **REQUEST NO. 24.**

6 Produce all Documents and Things concerning any and all efforts made by You to  
7 market, sell or distribute Plaintiff's snow bike products in the United States.

8 **REQUEST NO. 25.**

9 Produce all Documents and Things concerning any investigation, testing, analyses,  
10 study, or research performed or conducted by You or on Your behalf Relating to any  
11 snow bike product.

12 **REQUEST NO. 26.**

13 Produce all Communications with brand licensors or third-party licensors,  
14 including but not limited to, Ski-Doo, Yamaha, Polaris, X Games, Arctic Cat, and/or Red  
15 Bull regarding Plaintiff or Plaintiff's products.

16 **REQUEST NO. 27.**

17 Produce all non-privileged Documents and Things, including without limitation  
18 Communications, other than the pleadings in this lawsuit, between/among You and any  
19 other Person(s) mentioning, referring to, or otherwise Concerning this litigation.

20 **REQUEST NO. 28.**

21 Produce all Communications between You and Costco concerning snow bike  
22 products.

23 **REQUEST NO. 29.**

24 Produce all Communications between You and Costco concerning Plaintiff.

25 **REQUEST NO. 30.**

26 Produce Documents and Things sufficient to identify Your corporate or  
27 organizational structure, including but not limited to, organizational charts, bylaws, the  
28 identifications and locations of Your officers and directors, and telephone directories.

1 **REQUEST NO. 31.**

2 Produce all Documents and Things concerning Your document retention policy.

3 **REQUEST NO. 32.**

4 Produce all Documents and Things that support or relate to your Second  
5 Affirmative Defense that "Plaintiff has failed to mitigate or otherwise avoid any damages  
6 that it allegedly sustained as a result of Defendant's alleged conduct."

7 **REQUEST NO. 33.**

8 Produce all Documents and Things that support or relate to your Third Affirmative  
9 Defense that "Plaintiff's claims are barred by the doctrine of equitable estoppel."

10 **REQUEST NO. 34.**

11 Produce all Documents and Things that support or relate to your Fourth  
12 Affirmative Defense that "Plaintiff's claims are barred by the doctrine of laches."

13 **REQUEST NO. 35.**

14 Produce all Documents and Things that support or relate to your Fifth Affirmative  
15 Defense that "Plaintiff's claims are barred by the doctrine of waiver."

16 **REQUEST NO. 36.**

17 Produce all Documents and Things that support or relate to your Sixth Affirmative  
18 Defense that "Plaintiff's claims are barred by the doctrine of unclean hands."

19 **REQUEST NO. 37.**

20 Produce all Documents and Things that support or relate to your Seventh  
21 Affirmative Defense that "Plaintiff's claims are barred by the doctrine of acquiescence."

22 **REQUEST NO. 38.**

23 Produce all Documents and Things that support or relate to your Eighth  
24 Affirmative Defense that "Plaintiff does not have protectable trade secret under  
25 California law."

26 **REQUEST NO. 39.**

27 Produce all Documents and Things that support or relate to your Ninth Affirmative  
28 Defense that "Plaintiff is barred from asserting any claim for misappropriation of trade

1 secrets since Plaintiff did not take reasonable precautions to protect its alleged trade  
2 secrets.”

3 **REQUEST NO. 40.**

4 Produce all Documents and Things that support or relate to your Tenth Affirmative  
5 Defense that “Plaintiff is barred in whole or in part from prosecuting the purported causes  
6 of action set forth in the FAC by the doctrine of laches.”

7 **REQUEST NO. 41.**

8 Produce all Documents and Things that support or relate to your Eleventh  
9 Affirmative Defense that “Plaintiff is barred in whole or in part from prosecuting the  
10 purported causes of action set forth in the FAC by such statutes of limitation as may be  
11 application . . .”

12 **REQUEST NO. 42.**

13 Produce all Documents and Things that support or relate to your allegation at  
14 paragraph 11 of your Counterclaim that “[d]uring negotiations of the contemplated  
15 distribution deal, Counterdefendant promised to draft and deliver a memorandum of  
16 understanding for Counterclaimant’s review.”

17 **REQUEST NO. 43.**

18 Produce all Documents and Things that support or relate to your allegation at  
19 paragraph 14 of your Counterclaim that “[a]lthough Counterclaimant made genuine  
20 efforts to advance the contemplated business relationship, ultimately those efforts were  
21 unsuccessful . . .”

22 **REQUEST NO. 44.**

23 Produce all Documents and Things that support or relate to your allegation at  
24 paragraph 16 of your Counterclaim that “[i]n or about the summer of 2010,  
25 Counterclaimant made and eventually won a bid to Costco U.S. to distribute snow bikes  
26 for the 2010-2011 winter season. When making this bid, Counterclaimant did not use  
27 any alleged trade secret information from Counterdefendant.”

28

1     REQUEST NO. 45.

2       Produce all Documents that support or relate to your contention that  
3 "Counterclaimant denies that he ever received protectable trade secret information from  
4 Counterdefendant . . . ."

5     REQUEST NO. 46.

6       Produce all Documents that support or relate to your contention that  
7 "Counterclaimant further denies that Counterdefendant was damaged by any actionable  
8 conduct by Counterclaimant."

9  
10 DATED: October 10, 2012

GREENBERG TRAURIG, LLP

11 By: \_\_\_\_\_  
12

Valerie W. Ho

Jeffrey F. Yee

13       Attorneys for Plaintiff and Counter-Defendant  
14       Tech-4-Kids, Inc.  
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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the aforesaid county, State of California; I am over the age of 18  
4 years and not a party to the within action; my business address is 1840 Century Park  
5 East, Suite 1900, Los Angeles, California 90067.

6 On October 10, 2012, I served the documents described as **TECH-4-KIDS,**  
7 **INC.'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS**  
8 **AND THINGS (Nos. 1-46) TO SPORT DIMENSION, INC.** on the interested parties in  
this action by placing the true copy thereof, enclosed in a sealed envelope addressed as  
follows:

9 Jeffrey J. Zuber  
10 Raffi V. Zerounian  
11 ZUBER LAWLER & DEL DUCA LLP  
12 777 S. Figueroa Street, 37<sup>th</sup> Street  
13 Los Angeles, California 90017  
14 Tel: 213-596-5620

15  (BY MAIL)

- 16  I deposited such envelope in the mail at Los Angeles, California. The envelope  
17 was mailed with postage thereon fully prepaid.  
18  I am readily familiar with the business practice of my place of employment in  
19 respect to the collection and processing of correspondence, pleadings and  
20 notices for mailing with United States Postal Service. The foregoing sealed  
envelope was placed for collection and mailing this date consistent with the  
ordinary business practice of my place of employment, so that it will be picked  
up this date with postage thereon fully prepaid at Los Angeles, California, in  
the ordinary course of such business.

21  (BY PERSONAL SERVICE)

22 I caused such envelope to be delivered by hand to the offices of the addressees as  
23 indicated above. Executed on October 10, 2012, at Los Angeles, California.

24  (BY E-MAIL)

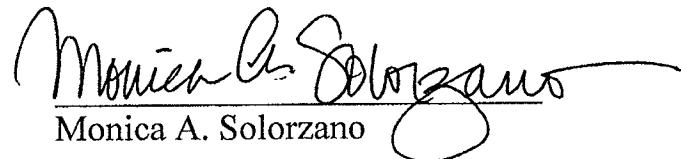
25 On October 10, 2012, I transmitted the foregoing document(s) by E-mail to the  
26 parties at their respective e-mail addresses as indicated above. The document was  
27 served electronically and the transmission was reported complete and without  
error.

1            **(BY FEDERAL EXPRESS)** I am readily familiar with the business practice of my  
2 place of employment in respect to the collection and processing of correspondence,  
3 pleadings and notices for delivery by Federal Express. Under the practice it would  
4 be deposited with Federal Express on that same day with postage thereon fully  
5 prepared at Los Angeles, California in the ordinary course of business. I am aware  
6 that on motion of the party served, service is presumed invalid if delivery by Federal  
7 Express is more than one day after date of deposit with Federal Express.  
8

9            **(STATE)** I declare under penalty of perjury under the laws of the State of  
10 California that the foregoing is true and correct.

11            **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and  
12 correct, and that I am employed at the office of a member of the bar of this Court  
13 at whose direction the service was made.

14           Executed on October 10, 2012, at Los Angeles, California.

15             
16           Monica A. Solorzano

**EXHIBIT Q**  
**FILED UNDER SEAL PURSUANT**  
**TO PROTECTIVE ORDER**